

**AGENDA ITEM SUMMARY**  
**OCONEE COUNTY, SC**  
**COUNCIL MEETING DATE: 4/4/06**  
**COUNCIL MEETING TIME: 2:00 pm**

**ITEM TITLE OR DESCRIPTION:**

List of recommended capital projects Council will refer to the Capital Projects Sales Tax Commission to consider as they complete a final listing of projects to be placed on the November 7, 2006 ballot.

**BACKGROUND OR HISTORY:**

There are many needs in the unincorporated areas of the County which should appropriately be funded through the seven (7) year one-cent sales tax, if it is approved by the voters of Oconee County. Many of the most pressing needs are infrastructure. Several possible projects are listed below:

<b>I. Approved at special meeting of 2/20/06 &amp; 3/07/06:</b>	
A. Phase I of I-85 Sewer & Water Expansion	\$ 8,859,440
B. Phase II of I-85 Sewer & Water Expansion	\$10,153,107
C. Airport Sewer Expansion (Shiloh Rd. area)	\$ 2,500,000
D. Seneca Library Expansion	\$ 8,070,000
E. Civic Center and Recreation Complex (see Analysis Packet)	\$ 8,000,000
<b>II. Other Projects to be considered:</b>	
F. DSS Building Expansion	\$ 4,920,000
G. Animal Shelter	\$ 1,576,500
H. Convenience Center #12 @ Tamassoa Salem	\$ 330,000
<b>Total:</b>	<b>\$44,407,047</b>

**SPECIAL CONSIDERATIONS:**

- If the county chose to fund some capital projects such as the jail without the sales tax (issue G.O. debt), we have \$11.2M remaining in bonding capacity. For example, if we issued \$7M in debt, it would be necessary to raise approximately 3 extra mills next year to pay for the first year principal and interest on a 10 year bond.
- The Capital Projects Sales Tax Commission has asked that all public agencies submit their project listing on the attached forms no later than **April 15, 2006**.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

The items listed above all have merit, but the Council must set the highest priority of these projects.

**FINANCIAL IMPACT:**

If the referendum is adopted imposing a seven year, one-cent sales tax, the SC Board of Economic Advisors estimates Oconee County will receive approximately \$83,430,000 over a seven year period. (See attached analysis from SC Board of Economic Advisors)

**ATTACHMENTS:**

1. Capital Projects Submittal Forms
2. Trebel Budget Costs for Capital Projects
3. State Revenue Analysis dated 1/26/06
4. Central Recreation Center Analysis Packet

Submitted or Prepared By:

Opal O. Green  
Department Head

Approved for submittal to Council:

  
Ron H. Rabun, Council Administrator

Reviewed By/Initials:

\_\_\_ n/a \_\_\_ : County Attorney

\_\_\_ n/a \_\_\_ : Finance

\_\_\_ n/a \_\_\_ : Other

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County
2. Project Name: Phase I of I-85 Sewer & Water Expansion
3. Project Description: Sewer & Water
4. Estimated Project Cost: \$8,859,440.00
5. Shared Cost: N/A
6. Amount applied for: \$8,859,440.00
7. Benefit/Reason: Locating Industry/Business and creating jobs

Contact Person: Jim Alexander

Telephone Number: 864.638.4210

E-Mail: jalexander@oconeesc.com

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County
2. Project Name: Phase II of I-85 Sewer & Water Expansion
3. Project Description: \_\_\_\_\_
4. Estimated Project Cost: \$10,151,107.00
5. Shared Cost: N/A
6. Amount applied for: \$10,151,107.00
7. Benefit/Reason: Locating Industry/Business and creating jobs

Contact Person: Jim Alexander

Telephone Number: 864.638.4210

E-Mail: jalexander@oconocsc.com

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County

2. Project Name: Airport Sewer Expansion

3. Project Description: Sewer @ Airport, Shiloh Rd. Area

4. Estimated Project Cost: \$2,500,000.00

5. Shared Cost: N/A

6. Amount applied for: \$2,500,000.00

7. Benefit/Reason: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: Bob Winchester

Telephone Number: 864.972.3900

E-Mail: N/A

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County

2. Project Name: Seneca Library Expansion

3. Project Description: Renovate and Expand

See attachment as provided by Trehel - approximately 35,000 square feet

4. Estimated Project Cost: \$8,070,000.00

5. Shared Cost: N/A

6. Amount applied for: \$8,070,000.00

7. Benefit/Reason: Expansion due to overcrowding and building deterioration

Contact Person: Martha Bailey

Telephone Number: 864.638.4136

E-Mail: ocpldirector@INFOAVE.net

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County

2. Project Name: Civic Center & Recreation Complex (Phase I)

3. Project Description: Construct approximately a 60,000 sq. ft. complex consisting an aquatic area, fitness area, playground space, meeting space, and concession space.

4. Estimated Project Cost: \$8,000,000.00

5. Shared Cost: N/A

6. Amount applied for: \$8,000,000.00

7. Benefit/Reason: Provide fitness, wellness, and aquatics for citizens

Contact Person: Phil Shirley

Telephone Number: 864.888.1488

E-Mail: pshirley@oconeesc.com

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County
2. Project Name: DSS Facility
3. Project Description: Construct a 30,000 sq. ft. facility
4. Estimated Project Cost: \$4,920,000.00
5. Shared Cost: Reimbursement from State of \$60,024.00
6. Amount applied for: \$4,920,000.00
7. Benefit/Reason: Current facility dilapidated and overcrowded

Contact Person: Dafe Butts

Telephone Number: 864.638.4285

E-Mail: dbutts@oconee.org

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

ATTACHMENT I



OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County
2. Project Name: Animal Shelter
3. Project Description: Construct a 8,450 sq. ft. facility to house animal shelter (60 dog cages)
4. Estimated Project Cost: \$1,576,500.00
5. Shared Cost: N/A
6. Amount applied for: \$1,576,500.00
7. Benefit/Reason: Replace dilapidated building and provide better location for adoption services

Contact Person: Travis Tilson

Telephone Number: 864.638.4625

E-Mail: ttilson@oconeesc.com

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

ATTACHMENT I

OCONEE COUNTY  
CAPITAL PROJECTS COMMISSION

PROJECT SUBMITTAL FORM  
*Due no later than April 15, 2006*

1. Entity Name: Oconee County
2. Project Name: Tamassee-Salem Convenience Center #12
3. Project Description: Manned Convenience Center
4. Estimated Project Cost: \$330,000.00
5. Shared Cost: N/A
6. Amount applied for: \$330,000.00
7. Benefit/Reason: Reduce drive time for citizens to drop off garbage

Contact Person: Maek Kelly

Telephone Number: 864.886.1072

E-Mail: mkelly@oconeesc.com

Submitted by: Ron H. Rabun

Name

County Administrator

Title

Signature

ATTACHMENT I

## REAL ESTATE, FACILITIES & LAND MANAGEMENT COMMITTEE MEETING

March 21, 2006

### BUDGETARY COSTS FOR POSSIBLE CAPITAL PROJECTS

**BACKGROUND:** The Trehel Corporation has provided the following budgetary costs to the Procurement Office for review and discussion by the Real Estate, Facilities & Land Management Committee.

#### ANIMAL SHELTER - (\$991,500 to \$1,578,500)

Trehel reviewed four sites - three sites at the Solid Waste/Road Department site on Wells Highway, and the site on Highway 123 presently owned by the Humane Society. The two best sites are right beside the Road Department (where they have been doing some grading) and the Humane Society site. The Humane Society site is probably a more accessible site and would require much less grading.

The Humane Society Board of Directors, represented by Mrs. Lindsey Addis, recently offered that site, along with some proposed plans they had developed, to the County under a long-term lease. As you are aware, there is currently a large metal building on that site. Unfortunately, after review by both the Humane Society consultant and Trehel Corporation, the building is not suitable for renovation to meet the requirements of a shelter.

Recently the Sheriff's Office personnel have been meeting with the Humane Society to discuss a plan whereby the Sheriff's Office would operate and control the shelter and the Humane Society would work with the Sheriff's Office to handle the adoptions portion of the operation. Travis Tilson has another meeting scheduled next week to continue this discussion, and is optimistic that some sort of agreement can be reached, which then would be presented back to County Council.

Trehel Corporation has had recent experience in the construction of animal shelters, as they were the contractor for the Greenville County Animal Shelter. There are many program requirements that should be considered in the construction of a new facility (i.e., how to safely bring in animals to the facility, quarantine sick animals, effectively and logistically clean cages, store food, euthanasia procedures, provide access to the public for adoption without interruption of the animal control function of the operation, etc.). Issues of sanitation, maintenance and upkeep of the facility, safety for both the employees and the general public, must be carefully considered. The building construction materials must be a major consideration. In formulating the recommended budget, Trehel used a design from Kansas that would meet the program requirements, and offer room for future expansion; however, in order to reduce the cost per square foot, the construction materials would be more along the lines of the Greenville Animal Shelter.

Trehel recommends the use of precast concrete panels to reduce ongoing maintenance costs as well as reduce the risk of vermin carrying diseases. These walls are listed as a separate item and could be omitted and replaced with field laid masonry units; however, it would be good money well spent up front.

The current shelter has a total of 30 dog cages, which are often overcrowded. Trehel considered two possible size buildings - one based on 30 dog cages and another based on 60 dog cages. The following is an estimated cost of each size building:

ATTACHMENT II

Option 1: 6,300 sq. ft. facility (80 dog cages)\*

Land preparation cost	\$ 50,000	Two locations
Building (@\$170/sq. ft.)	901,000	
Precast Panels	40,000	
<b>Total Estimated Project</b>	<b>\$ 991,500</b>	

Option 2: 8,450 sq. ft. facility (60 dog cages)

Land preparation cost	\$ 50,000	Two locations
Building (@170/sq. ft.)	1,436,500	
Precast Panels	30,000	
<b>Total Estimated Project</b>	<b>\$1,676,500</b>	

NOTE: \*The 6,300 sq. ft. facility does not include storage space for food, which would have to be planned separately.

DSS BUILDING - (\$4,920,000)

In reviewing a larger facility to house DSS, we considered the possibility of the old Courthouse. Trehel Corporation reviewed the recommendations made by F. J. Clark, Inc. from 2000 and updated the Clark renovation figures. Mr. Workman also broke out some figures for the County's review which would allow for some options if the County wishes to keep the building for some future purpose. All of the electrical and mechanical would have to be replaced. In addition, a new roof system must be installed, along with reworking all restroom facilities, entrances, etc. to comply with ADA requirements. Trehel's estimated cost to renovate the building to some kind of office space is approximately \$3.4 million.

Relocation of DSS to that building presents several problems:

- The original Master Plan adopted by Council in 2000 calls for future courthouse expansion and parking (in ~20 years) to possibly require that entire block of property. The County needs to carefully consider any variances from the original Master Plan before making a large investment in the old courthouse.
- There appears to be inadequate parking to meet the requirements of both the present Courthouse and DSS.
- Although the square footage of the building may be sufficient for today's needs, it does not allow for future growth and expansion of the DSS facility.
- Without doing a program assessment, it is unknown at this time as to whether or not the building would be able to work with regard to people flow, security, etc.

See Trehel's estimates (Attachment #1) dated March 15, 2006 entitled "Old Oneonta County Courthouse" for details of demolition and up fitting costs.

Also in another attached Budget Estimate for DSS (Attachment #2) we made the assumption that additional land would have to be purchased in the vicinity of the present location. Trehel's estimate for a new facility is \$4,920,000. The estimated 30,000 sq. ft. would probably be sufficient for a few years; however, careful consideration should be given to future building expansion needs.

SENECA LIBRARY - (\$8,070,000)

Although Trehel is still meeting with the Library Board to define the program needs prior to developing a final budget, Mr. Workman has provided an estimate of \$8,070,000 based on his preliminary understanding of their needs. (See Attachment #3) This amount could probably be considered a "worst case scenario".



March 15, 2006

Ms. Marianne A. Dillard  
 Director of Procurement  
 Oconee County, South Carolina  
 415 South Pine Street  
 Walhalla, SC 29691

Re: Old Oconee County Courthouse

Dear Ms. Dillard:

I have read through the report prepared by PJ Clark Architects in August 2000 and reviewed the original blueprints that you so kindly loaned to me. What follows is what I believe to be a realistic cost budget:

I.	Complete Demolition of the existing building:		
a.	31,000sf x \$20.00/sf ((\$20.00/sf)		\$620,000.00
II.	Selective Demolition back to existing structure:		
a.	Environmental Abatement	31,000sf x \$5.00/sf	\$155,000.00
b.	Interior Demolition inc. MEP	31,000sf x \$8.00/sf	\$248,000.00
c.	Remove Existing Roof	15,500sf x \$3.00/sf	\$46,500.00
d.	New Roof	15,000sf x \$6.00/sf	\$90,000.00
e.	New Windows	1,200sf x \$55.00/sf	\$66,000.00
f.	Reworking of Existing Brick Veneer	13,500sf x \$15.00/sf	\$202,500.00
g.	Contingency (10%)		\$80,800.00
	Total		\$888,800.00
	(\$28.67/sf)		
III.	Upfit Existing into Office Space (After Item II above):		
a.	New Interior Upfit inc. MEP & FP	31,000sf x \$70.00/sf	\$2,170,000.00
b.	New Hydraulic Elevator inc. Shaft		\$105,000.00
c.	Contingency (10%)		\$232,000.00
	Total		\$2,507,000.00
	(\$80.87/sf)		

Considerations:

1. Master Plan for future expansion on either side of new courthouse
2. Incorporation of parking deck at existing old courthouse site

Trehel Corporation  
  
 Neil Workman

DESIGN-BUILD CONTRACTOR



# Trehel

March 15, 2006

## Budget Estimate for Department of Social Services, Oconee County

Land Cost	\$ 300,000
30,000 Sq. Ft. Building (@ \$ 140.00 per Sq. Ft.)	\$ 4,200,000
FF&E Allowance	\$ 420,000
<b>Total estimated project cost</b>	<b>\$ 4,920,000</b>

Trehel Corporation  
*Neal*  
 Neal Workman

DESIGN-BUILD CONTRACTOR



March 15, 2006

**Estimated Total Cost for the Proposed Renovated and Expanded Seneca Library**

Item	Square Feet	Total Square Footage	Cost per Cost
Site Development, Construction, and Parking	35,000	160.00	\$5,600,000
Furnishings and Equipment	35,000	30.00	\$1,050,000
Subtotal			\$6,650,000
Fees at 10% of Subtotal			\$665,000
Subtotal			\$7,770,000
Information Technology	35,000	10.00	\$350,000
Total Estimated Project Cost			\$8,070,000
Total Estimated Project Cost Per Square Foot			\$230.57

DESIGN-BUILD CONTRACTOR



STATE OF SOUTH CAROLINA  
BOARD OF ECONOMIC ADVISORS



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RAY N. STEVENS, EX OFFICIO  
WILLIAM C. GILLESPIE, PH.D., CHIEF ECONOMIST

REMBERT DENNIS BUILDING  
1000 ASSEMBLY STREET, SUITE 442  
COLUMBIA, SOUTH CAROLINA 29201  
(803) 754-3805

January 26, 2006

Ms. Opa Green  
Oconee County Council  
415 South Pine Street  
Walhalla, SC 29691

Dear Ms. Green,

This is in response to your request for advice regarding how much revenue Oconee County could expect to raise by imposing a capital projects local option sales tax. The imposition of a local option capital projects sales tax is conditional upon a favorable outcome of a referendum by the qualified electors of the county.

We estimate that an additional one-penny sales tax would yield an estimated \$7,800,000 in Oconee County provided that there were no problems with the collection and reporting of local sales taxes. The Department of Revenue has advised us that Oconee County could expect to realize a 15 percent reduction in this amount because of startup problems associated with first-time local option experience, and reporting errors and omissions by county retailers. A local option capital projects sales and use tax, therefore, is expected to net an estimated \$6,630,000 in Oconee County in FY2006-07. I have included a table for you.

*6,630,000 Oconee*

If you have any questions, I will be happy to answer them.

Sincerely,

*William Gillespie*

William C. Gillespie, Ph.D.  
Chief Economist

6,630,000.00 = +  
7,800,000.00 +  
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53,430,000.00 + TOTAL

ATTACHMENT III



**Estimated Distribution of An Additional One-Cent Sales Tax By County  
Fiscal Year 2006-07**

	UNITS	GROSS SALES	NET TAXABLE SALES	ADDITIONAL ONE-CENT SALES TAX
ARBEVILLE	443	\$176,848,213.99	\$79,969,414.21	\$1,082,168.61
AIKEN	3,105	\$2,287,877,976.37	\$1,090,814,864.00	\$14,756,526.10
ALLENDALE	201	\$183,559,505.96	\$23,474,542.30	\$317,634.00
ANDERSON	4,131	\$3,858,167,678.77	\$1,765,843,714.24	\$23,922,415.60
BAMBERG	356	\$213,209,372.18	\$70,220,372.74	\$950,758.13
BARNWELL	537	\$270,247,536.20	\$141,690,862.94	\$1,918,117.44
BEAUFORT	4,340	\$3,414,526,483.20	\$2,341,823,924.76	\$31,707,436.27
BERKELEY	2,565	\$2,916,359,218.57	\$1,285,878,332.96	\$17,422,851.32
CALHOUN	314	\$172,450,203.16	\$44,659,886.09	\$604,879.66
CHARLESTON	9,793	\$10,881,929,033.70	\$5,734,628,019.26	\$77,044,735.04
CHEROKEE	1,148	\$890,001,647.38	\$404,188,524.80	\$5,472,307.34
CHESTER	674	\$528,509,223.20	\$146,821,857.01	\$1,987,914.17
CHESTERFIELD	962	\$670,611,895.32	\$211,160,018.59	\$2,855,029.32
CLARENDON	716	\$348,800,023.76	\$160,652,562.73	\$2,177,864.79
COLLETON	833	\$531,071,161.31	\$283,854,645.53	\$3,599,767.34
DARLINGTON	1,458	\$1,016,522,461.29	\$578,014,056.66	\$7,691,092.62
DILLON	599	\$662,524,832.98	\$178,592,125.35	\$2,417,666.73
DORCHESTER	1,824	\$1,404,172,114.41	\$689,213,346.27	\$9,080,903.61
EDGEFIELD	419	\$736,234,540.55	\$36,757,923.63	\$505,877.94
FAIRFIELD	463	\$267,688,755.02	\$99,189,478.04	\$1,342,939.21
FLORENCE	3,556	\$4,043,398,356.57	\$1,719,437,052.31	\$23,696,737.11
GEORGETOWN	1,707	\$1,205,794,043.74	\$615,632,024.44	\$8,336,562.87
GREENVILLE	10,718	\$11,305,378,140.46	\$5,692,639,731.66	\$77,080,314.57
GREENWOOD	1,805	\$1,588,789,664.04	\$707,111,062.67	\$9,574,324.58
HAMPTON	483	\$247,364,027.05	\$94,219,466.47	\$1,275,897.06
HORRY	8,911	\$7,387,279,900.57	\$6,220,787,929.48	\$70,887,558.49
JASPER	516	\$1,164,771,836.23	\$291,232,849.32	\$3,942,188.12
KERSHAW	1,312	\$1,131,780,676.37	\$373,067,520.00	\$5,051,197.59
LANCASTER	1,420	\$798,879,350.72	\$405,054,327.36	\$5,464,261.24
LAURENS	1,244	\$719,490,805.71	\$321,893,745.56	\$4,356,323.42
LEE	392	\$166,444,437.96	\$53,261,956.63	\$680,526.48
LEXINGTON	6,112	\$7,371,190,577.26	\$3,021,016,175.07	\$40,803,452.59
MCCORMICK	218	\$46,701,631.86	\$25,352,462.34	\$343,263.05
MARION	742	\$332,815,532.48	\$181,419,174.01	\$2,456,535.63
MARLBORO	552	\$430,789,279.61	\$112,551,322.64	\$1,523,903.89
NEWBERRY	853	\$678,294,286.42	\$262,216,135.60	\$3,428,453.74
OCONEE	1,891	\$1,085,300,873.22	\$575,894,849.24	\$7,797,405.34
ORANGEBURG	1,298	\$1,672,782,806.94	\$728,361,446.65	\$9,662,010.02
PICKENS	2,178	\$1,551,311,851.13	\$789,736,162.79	\$10,582,736.41
RICHLAND	8,031	\$9,201,008,521.33	\$5,316,650,063.58	\$71,085,494.68
SALUDA	341	\$106,365,453.69	\$53,588,273.98	\$726,665.60
SPARTANBURG	6,157	\$6,829,257,997.72	\$2,746,675,955.12	\$37,187,632.65
SUMTER	2,952	\$1,589,173,534.96	\$638,417,564.04	\$8,351,886.75
UNION	585	\$253,297,317.27	\$146,085,709.37	\$1,877,947.00
WILLIAMSBURG	744	\$480,693,833.43	\$182,652,262.61	\$2,473,044.74
YORK	4,010	\$2,674,037,853.83	\$1,020,260,852.47	\$13,937,738.53
<b>TOTAL OF COUNTIES</b>	<b>103,548</b>	<b>\$96,985,636,771.81</b>	<b>\$47,268,534,547.22</b>	<b>\$640,000,000.00</b>
<b>UNALLOCATED TOTALS</b>	<b>11,659</b>	<b>\$17,663,237,724.73</b>	<b>\$4,905,710,808.45</b>	
<b>STATE TOTALS</b>	<b>115,207</b>	<b>\$114,648,874,496.54</b>	<b>\$52,174,245,355.67</b>	

Notes: Calculations made by the Board of Economic Advisors based on November 15, 2005 BEA General Fund revenue estimate. Based on calendar year 2004 Gross and Net Taxable Sales figures (amended series).

Source: South Carolina Department of Revenue.

4/4/06

Dear Councilman,

Since 9/11, home building in particular, and construction in general has been the engine driving our economy. This is particularly true in Oconee County.

According to our Council of Governments, a net of 182 jobs were created in our county last year. I would suggest to you that nearly all of those jobs are in construction. Construction may be the largest industry this county has.

But our industry relies on stability. Stability is crucial to a healthy real estate market. Without stability, real estate investors and home buyers are reluctant to buy. Even owners are reluctant to sell in an uncertain market.

That is why your blanket moratorium proposal is so disconcerting, and why our association membership is troubled by your proposal. A moratorium will disrupt that stability, and it will cost the county jobs. And not just the employees at our job sites, but surveyors, appraisers, bankers, insurance agents, and realtors all will be at risk of losing their jobs.

It also will impact your tax collections. We don't believe you have fully considered the impact our industry has on Oconee County government resources. Residential construction accounted for 839 building permits in 2005. Those permits were valued at \$190,112,533. At \$4.00 per thousand, those permits put nearly \$800,000 in the bank at Oconee County government.

But that doesn't tell the whole story. Residential construction is a major player in our local economy. That is why we contend that it is the major player. Based on data from the National Association of Home Builders, our industry contributed \$15.1 million in taxes and fees to local and state governments. We also are responsible for 2,383 jobs and \$134 million in payroll. Consider alone the impact of the loss of even part of that income on spending at our local retailers.

Make no mistake; even a short moratorium of the nature that you are proposing will create an economic downturn in our county that could be long and difficult from which to recover.

What concerns us most is that after you enact a moratorium, you still don't have a plan to address the underlying problem of high-density developments around our lakes. A moratorium won't solve that problem; it just puts the problem off.

Lake property owners may be happy, but how will you explain that to all the other residents who lose their jobs? How will you explain the lack of business to our local retailers when those job losses result in reduced spending in their shops?

For these reasons, our nearly 300 member companies oppose the moratorium proposal, and we ask you to reject it.

Instead, we suggest you consider a more limited approach that will curtail high density development around our lakes until you can develop a plan to manage and accommodate that type of development. However, we caution that a long moratorium is unacceptable to us, even limited in scope like we propose.

We urge that you immediately form a task force of stakeholders to advise the Planning Commission in developing a plan for managing and accommodating high-density development, particularly around our lakes. Our association will gladly participate and we respectfully request a role in the process.

We understand that yours is a difficult job. We applaud your efforts and we hope that our input is constructive. As always our association is ready and willing to assist you in sorting through public policy matters, particularly as they impact land uses.

We look forward to our further involvement in our county's future.

Sincerely,

Dale Graham  
President

## Moratorium

A moratorium is a legitimate tool of local government, in certain circumstances. Those circumstances should be limited to deficiencies in infrastructure that would pose a risk to the health, safety, or welfare of the citizens served by a city or county. An example that might give rise to the need for a moratorium would include insufficient water and sewer capacity. In that case, allowing development to occur until the deficiency is addressed would pose environmental and other problems for our community.

However, any moratorium enacted must include a plan to quickly remedy the problem, including a timetable for addressing the problem. A moratorium without action, and a deadline, to correct the problem represents an inappropriate restriction on economic development and potentially an abuse of government authority. It also compromises the principles of a fair and representative form of government.

### What's wrong with a moratorium?

A moratorium affects all residents, even long-time residents. In fact, potential new residents have an option that existing residents don't have when faced with a moratorium that would keep them from building a home or business—they can choose not to move into the area. Existing residents cannot escape the harmful affects of a moratorium. In fact, certain moratoria could do more than stop new construction by restricting remodeling projects, repairs, and essential improvements to real estate, which affect only existing residents, not newcomers.

Homebuilding represents 5% of the gross domestic product of the United States, and real estate development, construction, and related activities represent as much as 20% of the our total economic activity. A moratorium will have a detrimental effect on one of our largest industries, causing jobs, economic activity, as well as homeownership opportunities.

A moratorium will result in job losses and lost income to thousands of workers involved in or dependant upon construction and real estate. Banker, realtors, carpenters, lumber dealers, brick layers, asphalt and concrete contractors, roofers, insulation distributors and installers, appliance dealers, painters, plumbers, insurance agents, appraiser, and surveyors all will be affected.

Many of these workers live in Oconee County. While they will most likely continue to live in the area, a moratorium will drive them outside of Oconee County to work—a result directly contrary to our efforts to recruit new jobs.

We spend a great deal of money, time, and energy to promote economic development. A moratorium sends a signal to prospective tax-generating businesses that we don't want them.

A moratorium quite simply will have a negative effect on commercial and industrial growth as well as home building and have negative connotations for the tax base. To impose a moratorium is simply inconsistent with promoting economic development.

Even a temporary moratorium does not achieve anything over the long-run except disrupting people's lives and giving the political leaders the perception that they are doing something. It also will have a negative impact on government budgets.

And once development activity has left, it may not quickly return.

## Points on Moratoria

**County revenue and income would suffer from a decrease in fees and taxes being received.** Although moratoria are temporary, the impact on county revenues can be long-term due to the loss of economic development and business opportunities that will locate elsewhere.

A moratorium raises several questions the county should consider:

- How much of the county's revenues are based on permits & fees?
- How much of the county's revenues are based on inspection fees?
- How much of the county's revenues are based on property taxes?
- How much of the county's revenues are based on developer fees?
- How much of the county's revenues are based on business privilege licenses and taxes from contractors, developers & realtors?
- How much of the county's revenues are based metering fees?
- How much of the county's revenues are based on developers buying exemptions to county's mandates?

In limiting development, the county will be taking away some or all of these revenue streams. Do you have a plan to replace them?

If not, how much do you anticipate the cost of services to increase for those who already live in the county to make up for that lost revenue? Will you order a property tax increase when the shortfall materializes?

If you don't increase taxes, then what services will you cut in order to "pay" for this moratorium? Will you cut police protection? Will you delay street repairs?

**Moratoria hurt jobs and the local economy.** New development is one of the most important economic engines to local economies. Construction is the number one industry in Oconee County. Each new development creates opportunities for hundreds of new jobs – surveyors, appraisers, lenders, carpenters, plumbers, electricians, concrete workers, landscapers, realtors, etc. By stopping new development opportunities for a period of time, a moratorium can result in significant layoffs, increased local unemployment, and a downturn in the local economy. Economic development opportunities do not wait around until a community decides it is ready. They move to other cities, states, and countries that are ready, and they take the jobs and tax revenues with them.



**OCONEE COUNTY COUNCIL  
RESOLUTION 2006-09  
A RESOLUTION CELEBRATING  
NATIONAL LIBRARY WEEK  
APRIL 2 - 8, 2006**

**WHEREAS**, Our nation's libraries play an integral role as community, educational and cultural centers that bring together diverse populations and play a vital role in providing millions of people with the resources they need to live, learn, and work in the 21<sup>st</sup> century; and

**WHEREAS**, Libraries are changing and dynamic places and librarians are trained to help people of all ages find the information they need in print and online; and

**WHEREAS**, Libraries are a cost-effective means of providing education, training, and the opportunity for self-improvement to all individuals without regard to age, race, income or socioeconomic background; and

**WHEREAS**, Libraries play a unique role in ensuring the public's right to know and empowering people from all walks of life to make informed decisions about the world around them; and

**WHEREAS**, Libraries are dynamic places with a variety of activities that provide free, safe, and enriching entertainment for the whole family; and

**WHEREAS**, Public awareness and support for libraries, librarians, and library workers may be increased by raising their visibility in a positive context and by communicating clearly and strongly why libraries are and will remain a unique and valuable tool for Americans and Oconee County citizens now and in the future; and

**WHEREAS**, Thousands of libraries and library supporters across the nation are celebrating National Library Week,

**THEREFORE BE IT RESOLVED** by the Council of Oconee County, South Carolina:  
That we proclaim April 2 - 8, 2006, as National Library Week in Oconee County and encourage all residents of this county to take advantage of the wonderful library resources available to explore the wide variety of cultural and educational riches that libraries hold.

H. Frank Ables, Jr., Chair  
Oconee County Council

Attest:

Opal O. Green, Clerk

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
RESOLUTION 2006-10**

**A RESOLUTION OPPOSING THE SALE OF LAND IN THE SUMTER & FRANCIS MARION NATIONAL FORESTS**

**WHEREAS**, the National Forest Service proposes to sell more than 300,000 acres of national forest land across the country; and

**WHEREAS**, Sumter National Forest in Oconee County, South Carolina contains approximately 84,317 acres; and

**WHEREAS**, if the proposal of the National Forest Service to sell this land is adopted, the forestry land in Oconee County could be reduced by approximately 1,233 acres; and

**WHEREAS**, conservationists maintain that the sale of US Forest property will set a bad precedent for the federal government selling such properties in the future; and

**WHEREAS**, our national forests lands are an ecological treasure in which native plants, birds and animals depend on for existence; and

**WHEREAS**, hundreds of years of logging, farming and development has left South Carolina with very few areas in which stands of native forests can grow, and the Sumter National and Francis Marion Forests are home to some of these few remaining native forests, which are an irreplaceable resource that must be protected.

**NOW THEREFORE, BE IT RESOLVED** by the Oconee County Council, in session duly assembled this date, with a quorum present and voting that:

The Oconee County Council, by the adoption of this resolution, goes on record as opposing the sale of land in the Sumter National Forest, Francis Marion National Forest and all forest lands across the United States of America.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to each member of the Oconee Legislative Delegation and the United States Senator & United States Congressman representing the citizens of Oconee County.

**APPROVED & ADOPTED** on first and final reading this 4<sup>th</sup> day of April 2006 as evidenced by the hand of the Council Chair and attestation of the Clerk to Council.

\_\_\_\_\_  
El Frank Ables, Jr., Chair  
Oconee County Council

Attest:

\_\_\_\_\_  
Opal O. Green, Clerk



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:  
COUNCIL MEETING TIME:**

**ITEM TITLE OR DESCRIPTION:**

Litter Control Ordinance of Oconee County

**BACKGROUND OR HISTORY:**

This Ordinance was approved by the Oconee County Planning Commission on March 29, 2006. This Ordinance is a result of the Oconee County Planning Commission's review and improvement of Ordinance 2004-29, Litter Control Ordinance of Oconee County.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The Ordinance creates the Litter Mitigation Fund. This Fund will primarily be funded by fines imposed under this Ordinance. The Fund is to provide financial assistance to citizens in litter clean up and removal. The fund will be administered by the Oconee County Litter Mitigation Committee. Ten (10%) percent of all fines are to go to the Oconee County Sheriff's Department. These monies will be for supplies to aid in litter pickup.

**STAFF RECOMMENDATION:**

We recommend Council adopt this Ordinance on first reading.

**FINANCIAL IMPACT:**

This Ordinance, if aggressively enforced, should generate revenue for litter abatement and for the Sheriff's Department.

**ATTACHMENTS:**

**Submitted or Prepared By:**



Tom Hendricks

Department Head/Elected Official

**Approved for Submittal to Council:**



Ron H. Rabun, County Administrator

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney  
\_\_\_\_\_ Finance  
\_\_\_\_\_ Other

**CC: Clerk to Council**

Revised March 29, 2006  
(office of Brad Norton)

**OCONEE COUNTY  
LITTER CONTROL ORDINANCE OF OCONEE COUNTY,  
SOUTH CAROLINA**

**SECTION 1. - NAME**

This Ordinance shall be known as the "Litter Control Ordinance of Oconee County, South Carolina."

**SECTION 2. - PURPOSE**

Whereas, the Oconee County Council has become aware of increased littering of public and private property in the unincorporated areas of Oconee County; and

Whereas, said littering degrades the environment and threatens the beauty and quality of life traditionally enjoyed by Oconee County citizens; and

Whereas, said littering causes public detriment, creates health and safety hazards, diminishes property values, and negatively impacts efforts to further economic development; and

Whereas, Oconee County's citizens and taxpayers are unduly burdened by the costs of these effects of littering, as well as its cleanup and remediation; and

Whereas, the mitigation of the deleterious effects of litter benefits all of Oconee County's citizens and taxpayers,

It is the purpose of this Ordinance to establish regulations for the control of litter in the unincorporated areas of Oconee County, and to establish penalties such as are necessary to discourage the violations of these standards, and provide for recovery of costs incurred by Oconee County in the cleanup and remediation of said litter.

**SECTION 3. - AUTHORITY**

This Ordinance is adopted pursuant to the provisions of S.C. Code 1976 §4-9-30. Personnel employed by the County Administrator as Code Enforcement Officers and personnel employed by the Sheriff of Oconee County shall be vested with the authority to enforce and administer litter control within the county in accordance with the provisions of S.C. Code 1976 § 44-67-10 et. seq, and all rules and regulations adopted thereunder and the same are incorporated herein by reference as if fully set forth verbatim and as may be amended from time to time.

## SECTION 4 - DEFINITIONS

For the purpose of this article the following definitions shall apply:

**Best Management Practices.** Actions and methods recommended and/or mandated by governmental agencies, trade associations and other authoritative entities associated with a particular industry or business.

**Disposal package or container.** All packages or containers defined as such by rules and regulations adopted by the State Department of Health and Environmental Control or Oconee County.

**Enforcement Officer.** Duly authorized law enforcement officers of Oconee County, including but not limited to, all law enforcement officers and deputies employed by the Oconee County Sheriff's Department, and designated Code Enforcement Officers employed by the County Administrator and duly certified as Code Enforcement Officers by the State of South Carolina.

**Garbage.** Waste food and food-related materials that may include, but shall not be limited to, fast-food scraps, grease from grease traps, discarded or leftover food from events such as parties, picnics and cookouts, and other food and food-related materials not properly stored for human or animal consumption.

**Litter.** All waste materials, on public or private property, not stored in secure litter receptacles meeting standards established in this document. Such materials may include, but shall not be limited to, disposable packages or containers, trash, garbage or refuse, or any other matter which may create a hazard to public health, safety and welfare. This definition shall also include unsolicited newspapers and/or advertisement materials placed on private property after due notification to the responsible party of the owner's desire not to receive said newspaper, advertisement, or publication. This definition shall not include either (1) waste materials produced through the primary processes of mining, dredging, logging, agricultural, commercial and industrial operations utilizing accepted best management practices in the handling and storage of such materials, including visual blight; or (2) scrap, salvage, and/or recyclable materials stored on private property in a manner that meets all local, state and federal regulations, including visual blight.

**Littering.** The act of dumping, throwing, dropping, depositing, discarding, placing, or in any way disposing of litter upon any public or private property within the jurisdictional boundaries of Oconee County.

**Litter receptacle.** Containers, boxes, barrels and other devices that allow for the sanitary, safe, secure, and orderly temporary storage of litter.

**Owner.** The term "owner" includes any person owning or having title, possession or control over real or personal property, including but not limited to, landholders, landlords, tenants, proprietor, and business operators.

**Person.** An individual, partnership, company, contractor, subcontractor, developer, cooperatives, corporation, firm, landlord, tenant, proprietor, owner, political subdivision, sub-development, state or county agency, trust, estate, joint venture or any other legal entity or its legal representative, agent or assigns.

**Trash.** Discarded waste materials and objects which may include, but shall not be limited to: old newspapers, food wrappers and containers, cigarettes, boxes, and other items not properly stored for disposal or recycling.

## **SECTION 5. - APPLICATION**

**(A) Prohibition of Litter-** No person shall dump, throw, drop, deposit, discard, place or in any way dispose of litter upon any public or private property, or along any public roadway, in any stream, pond, lake or other water course, located in the jurisdictional area of Oconee County.

Exception:

Authorized persons meeting all facility rules and regulations that utilize properties designated for the disposal of solid waste by Oconee County and/or the State of South Carolina.

### **(B) Litter on Private Property-**

1) All persons found by the Magistrate's Court, or Court of Competent Jurisdiction, to be responsible for littering on private property shall be held liable for cleanup and removal of said litter, and shall bear any and all financial costs or hardship incurred by either the property owner or Oconee County in remediation efforts.

2) In the event that the party responsible for littering is unknown, or is outside the jurisdiction of Oconee County for whatever reason, the owner of the property upon which the litter is located shall be liable for the removal of litter in accordance with Section 8, below.

3) In the event litter is moved by wind or other force of nature from one private property onto another private property, the owner of the property of origin shall be held responsible for cleanup and removal.

4) Property owners determined by the Magistrate's Court, or Court of Competent Jurisdiction, to be liable for removal of litter may request the Court's referral

to the Oconee County Litter Mitigation Committee for financial assistance from the Oconee County "Litter Mitigation Fund", created in Section 7 of this ordinance. If, in the Court's opinion, the said property owner produces sufficient evidence to show that compliance with these regulations would prove to be unduly burdensome, an application may be made for financial assistance from the "Litter Mitigation Fund".

**(C) Transportation of Loose Materials-** It shall be unlawful for any person, firm, corporation, institution, organization, contractor or subcontractor, or leaseholder, to transport any loose materials by truck, trailer or other motor vehicles within the corporate limits of Oconee County unless said material is covered or secured in such a manner as to prevent litter, leakage or spillage. Lack of adequate covering or securing of material while the loaded truck, trailer, moving vehicle, or other motor vehicle is in motion shall constitute a violation of this section.

**(D) Responsibility of Driver of Vehicle-** Whenever possible, the individual(s) responsible for the act of littering shall bear all liabilities associated with remediation; however, in the event that the Magistrate's Court, or Court of Competent Jurisdiction, determines that an act of littering was committed by one or more occupants of a motor vehicle, but is unable to ascertain the identity of the individual(s) responsible, the driver of said vehicle shall be held in violation of this article. If the Court is unable to ascertain the identity of the vehicle's driver at the time of the violation, the owner of the vehicle, or all occupants shall bear an equal share of any financial penalties and/or clean up and removal fees that result.

#### **SECTION 6. - PENALTIES AND FINES**

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 nor more than \$500.00 for each offense plus court costs (or thirty (30) days in jail, or both). As punishment, the court may also direct litter remediation or gathering labor as appropriate under the supervision of the court. In addition, the court may order any person violating the provisions of this article to pay restitution to the county or to the victims for the costs of removing or abating such litter. Ten (10%) percent of the fines collected by the County pursuant to this Ordinance shall be remitted to the Oconee County Sheriff's Department to help defray the cost of enforcing this Ordinance. The Magistrate's Court shall have jurisdiction to enforce this Ordinance.

#### **SECTION 7. - LITTER MITIGATION FUND**

**(A) Creation of Fund-** This section hereby establishes the "Litter Mitigation Fund," a financial account separately maintained by Oconee County, comprised solely of any and all fines collected by the County under the provisions of this ordinance (less any administrative, publication, and court costs and the portion to be remitted to the Sheriff's Department), and donations and grant monies specifically designated for litter mitigation and/or remediation in Oconee County. No tax revenues shall be utilized to support the Litter Mitigation Fund. Available financial assistance to applicants shall be limited to



monies in the fund at the time of application by the individual property owner; therefore, the establishment of this fund should in no way be construed as an obligation on behalf of Oconee County or any party associated with Oconee County to provide financial assistance to individual property owners in meeting the requirements of this ordinance.

**(B) Purpose of Fund-** The Litter Mitigation Fund shall be used only for providing financial assistance to individual property owners found under the provisions of this ordinance to be unduly burdened by the financial cost of litter clean up and removal. In no instance shall the amount of financial assistance awarded a property owner exceed the cost of clean up and removal of litter.

**(C) Administration of Fund-** The monies comprising the Litter Mitigation Fund shall be administered under the direction of the "Oconee County Litter Mitigation Committee", a body hereby created and composed of seven (7) residents of the unincorporated areas of Oconee County. The membership shall be composed as follows:

One (1) member from each of the five (5) respective Council Districts;

One (1) staff member from the Finance Department, nominated by the County Administrator;

One (1) at-large member of the public.

All members shall be approved by a vote of County Council, and shall serve 3-year terms. Initial terms shall be staggered, with individual term lengths determined by chance.

The Committee shall operate under by-laws approved by County Council; however, all meetings and actions shall be open to the public. The Committee shall be subject to County audit, and shall publish an annual report in a newspaper of general circulation detailing all revenues and expenditures.

**(A) Operation of Fund-** The Litter Mitigation Fund shall be operated as follows:

1. Applications for financial assistance from the fund may be submitted to the Litter Remediation Committee from individual property owners determined by the Magistrate's Court, or Court of Competent Jurisdiction, to be unduly burdened by the cost of complying with the provisions of this ordinance. No applications for assistance shall be considered without a referral from the Magistrate's Court. An application for assistance from the fund shall in no way alter a determination by the Magistrate's Court, or extend any deadline for compliance; however, if funds are available, an award by the Committee may in some cases help offset the financial cost of complying with the standards put forth in this ordinance.

2. The Litter Remediation Committee shall consider each application

in open meeting, and make a determination of need based on estimated litter clean up and removal costs as determined by county staff. In the event that available funds are anticipated to fall short of estimated costs, the Committee shall prioritize submitted applications based on greatest potential health and safety concerns. The amount of assistance awarded by the Committee shall be limited to monies available in the fund. Every attempt will be made to seek outside funding assistance from private non-profit or governmental resources.

3. Unless the needed work is determined by the County Administrator to be beyond the scope of expected capacity of County staff and equipment, all litter clean up and removal work financed by the Litter Mitigation Fund shall be performed by Oconee County. The cost of such work shall be determined by Oconee County staff. In the event that the County Administrator deems a mitigation project to be beyond the County's ability to perform, for whatever reason, the Procurement Director shall seek bids from independent contractors based on adopted standard bidding procedures. The schedule for completion of work shall be based on availability of manpower and resources. Failure by Oconee County or a contractor employed by Oconee County to complete a project on or before the date specified by the Magistrate's Court in no way alters the property owner's liability to comply with the Court's decision.

## **SECTION 8 - ENFORCEMENT**

(A) Enforcement of the provisions of this article shall be carried out by enforcement officers comprised of duly authorized code enforcement or law enforcement officers of Oconee County, including but not limited to, all law enforcement officers and deputies employed by the Sheriff's Department; and designated Code Enforcement Officers employed by the County Administrator and duly certified as Code Enforcement Officers by the State of South Carolina. These enforcement officers shall be authorized to:

1. cause the inspection of any public or private property within the unincorporated limits of the county whenever it shall be necessary to enforce the provisions of this article.
2. issue a uniform summons to any person violating the provisions of this article in their presence.
3. serve written notice on the owner of a property containing litter as defined by this ordinance, requiring abatement or removal of same litter within 15 calendar days.

(B) Any property owner refusing or neglecting to abate or remove litter from property within 15 calendar days of receiving a written notice from an enforcement officer shall be served with a uniform summons and shall be subject to prosecution in accordance with

Section 6, above. In addition, the enforcement officer may cause the removal or abatement of such litter, with all expenses, including administrative, incurred in so abating or removing such litter recoverable from the owner of the property from which the litter is removed or abated, or from any person causing or maintaining the same, in the manner as debts or like amounts are now recoverable by law.

(C) Any person who is harmed or sustains damages arising out of a violation of this article shall be entitled to recover in a civil action threefold the actual damages from the person violating this article. The prevailing party in an action brought under this section shall be entitled attorney's fees and costs.

APPROVED on FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
OPAL O. GREEN, COUNCIL CLERK

APPROVED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
OPAL O. GREEN, CLERK

APPROVED on THIRD READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
Frank Ables, Chairman  
Oconee County Council

Attest:

\_\_\_\_\_  
OPAL O. GREEN, CLERK



**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:**  
**COUNCIL MEETING TIME:**

**ITEM TITLE OR DESCRIPTION:**

Oconee County Ordinance Regulating the Use of Oconee County Roads

**BACKGROUND OR HISTORY:**

This Ordinance requires that persons or entities that damage County roads repair the road. It requires encroachment permits when entities will temporarily alter a road or right-of-way. It regulates parking and placing signs in right-of-way. In addition, it provides a way for the County to address drainage problems caused by roads. The Ordinance has been reviewed by the County Engineer and approved by the Oconee County Planning Commission.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

This Ordinance is a result of the Oconee County Planning Commission's review of Ordinance 2004-29, Litter Control Ordinance of Oconee County.

**STAFF RECOMMENDATION:**

We recommend Oconee County Council adopt this ordinance on first reading.

**FINANCIAL IMPACT:**

This Ordinance should have a positive financial impact for the County as it shifts the financial burden of repairing damaged roads to the party who damages the road.

**ATTACHMENTS:**

**Submitted or Prepared By:**



**Tom Hendricks**  
Department Head/Elected Official

**Approved for Submittal to Council:**



**Ron H. Rabun, County Administrator**

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney  
\_\_\_\_\_ Finance  
\_\_\_\_\_ Public Works/Engineering

**CC: Clerk to Council**

**STATE OF SOUTH CAROLINA**

**COUNTY OF OCONEE**

**OCONEE COUNTY COUNCIL ORDINANCE NO. 2006-**

**REGULATING THE USE OF COUNTY ROADS**

**WHEREAS**, Oconee County maintains both paved roads, gravel roads and rights of way within the geographical limits of Oconee County, South Carolina; and

**WHEREAS**, paving and maintaining roads and rights of way are expensive; and

**WHEREAS**, various activities of third parties may cause damage to County roads, resulting in the additional expenditure of money to maintain said roads; and

**WHEREAS**, there can arise water drainage problems along roads and road rights of way; and

**WHEREAS**, parking on or near the pavement or on the right of way, or stacking or piling material near the pavement or right of way creates traffic hazards; and

**WHEREAS**, unauthorized signs create line of sight problems for drivers, and the signs deteriorate and become unsightly and create litter;

**NOW, THEREFORE, BE IT ORDAINED BY THE OCONEE COUNTY COUNCIL** duly assembled with quorum present and voting and upon third and final reading the following:

**Section 1.**

**Definitions**

- (a) "Person" shall mean any individual, corporation, company, partnership, utility and or municipality.
- (b) "Road" shall mean any paved road, gravel road, dirt road or bridge that is owned and/or maintained by Oconee County or as part of the County Road System.

- (c) "Right-of-way" shall mean all of that area presently used, owned, or dedicated to or by the County and/or S.C. Department of Transportation (SCDOT) for a road, including driveway aprons, and all other areas of the right-of-way whether or not physically incorporated in the street.

**Section 2. Damage**

- (a) Any person, entity or utility that engages in an activity which causes damage to a County road or road structure shall be responsible for repairing said County road or road structure to SCDOT standard specifications for highway construction. This does not include normal wear and tear to a road caused by normal use of said road.
- (b) Any person driving, operating or moving any vehicle, object or contrivance upon any County road or road structure shall be liable for any damage which road or structure may sustain as a result of dragging, scraping, breaking or any other damage done to said road or structure. Any such persons will also be liable to the County for the cost of such injury or damage.
- (c) Any person making unauthorized modifications to a County road or road structure shall be responsible for the costs of returning the road or structure to its original condition.

**Section 3. Drainage**

- (a) Property owners adjoining the road right-of-way may request that the County perform work to assist the property owner with a drainage problem. The County may construct berms, swales and/or ditches, or install plastic or concrete pipe along the County maintained road right-of-way. The property owner shall pay two and one-half (2 1/2) times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with future drainage problems, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.
- (b) The County Engineer, or his designee, will provide a cost estimate for the material costs of the project. Special services or equipment needed to complete the job will be bill as invoiced by the contractor or vendor providing the special service or equipment.

- (d) The County cannot assist in any drainage matter outside of the road right-of-way, and may only perform work within the County right-of-way.

**Section 4. Encroachment**

- (a) All persons desiring to excavate within, encroach upon, or in any way alter a County maintained road and/or right-of-way, shall notify the County Engineer and submit to the Oconee County Road Department an application for an encroachment permit, together with the required fees and security as determined periodically by County Council, at least forty-eight (48) prior to initiating such work. A schedule of required fees and securities shall be available for review from the Oconee County Road Department.
- (b) Upon completing the permitted activity, the applicant shall restore the County-maintained road and/or right-of-way to its original condition, insuring that all repairs conform to the requirements contained in the SCDOT standard specifications for highway construction. Eighteen (18) months after the permitted activity, the security shall be returned to the applicant provided the County Engineer, upon final inspection, approves the repair. If the County Engineer deems the repair to be unacceptable, the security shall be retained by the County and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant.

**Section 5. Road Safety**

- (a) All persons shall park vehicles and equipment at least three (3) feet from the edge of the pavement on all roads. Parked vehicles and equipment shall not block ditches and swales or in any way inhibit drainage.
- (b) No person shall place any type of material within three (3) feet of the pavement.
- (c) No person shall place a sign on a road in Oconee County that will restrict visibility or inhibit sight lines of drivers.
- (d) Signs on roads in Oconee County, remaining for more than 7 days, will require an encroachment permit from the Road Department.

**Section 5. Penalties**

Failure to comply with any of the requirements of this ordinance constitutes a misdemeanor and shall be punishable by a fine not to exceed one thousand (\$1,000.00) dollars. In addition, in the event that Oconee County must file a civil suit in order to enforce its rights under this ordinance, the County shall be entitled to reasonable attorney's fees.

APPROVED on FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
OPAL O. GREEN, COUNCIL CLERK

APPROVED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
OPAL O. GREEN, CLERK

APPROVED on THIRD READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
Frank Ables, Chairman  
Oconee County Council

Attest:

\_\_\_\_\_  
OPAL O. GREEN, CLERK

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC  
COUNCIL MEETING DATE: 4/4/06  
COUNCIL MEETING TIME: 3:00 pm

ITEM TITLE OR DESCRIPTION:

Subdivision & Land Use Ordinance

BACKGROUND OR HISTORY:

Oconee County Road & Transportation Committee recommended significant amendments to the Subdivision & Land Use Ordinance.

SPECIAL CONSIDERATIONS OR CONCERNS:

Changes to the Subdivision & Land Use Ordinance are part of the ordinance of moratorium.

STAFF RECOMMENDATION:

Council adopt ordinance on first reading and refer to Planning Commission.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Draft Subdivision & Land Use Ordinance

Submitted or Prepared By:

Tom Hendricks

Approved for Submittal to Council:

Ron H. Rabun, County Administrator

Reviewed by/initials:

\_\_\_\_\_: County Attorney

\_\_\_\_\_: Finance

(Revisions 3/24/06)

These revisions are in *bold italics*

(Office of Brad Norton)

Performance Standards, Chapter 6:

## 6.0 SUBDIVISION AND LAND DEVELOPMENT

### 6.1 AUTHORITY AND JURISDICTION

#### 6.1.1 Authority

These land development and subdivision regulations are adopted under authority granted by Title VI Chapter 29 (6-29-1120) et seq., of the Code of Laws of South Carolina, 1976.

#### 6.1.2 Jurisdiction

a. These regulations shall apply to the development and subdivision of land within the unincorporated areas of Oconee County as now or hereafter established and any incorporated municipality which contracts with the Oconee County Council for these regulations to be administered within such municipality. Regulations contained within this ordinance that apply to the construction and maintenance of roads shall apply to all roads and drainage structures, whether public or private, constructed within any unincorporated area of Oconee County and municipalities contracted with the Oconee County Council for administration of these regulations. Regulations contained within this Ordinance that apply to the construction and maintenance of roads, appurtenances or drainage structures shall apply to all public and private roads, drives and driveways in the unincorporated areas of Oconee County; also included shall be all municipalities contracted with the Oconee County Council to administer these regulations. These regulations shall not apply to those roads completed, under construction, or approved by Oconee County prior to adoption of this Ordinance by County Council. In the event that a regulation in this ordinance conflicts with any other county regulation, the more stringent standard shall apply.

### 6.2 PURPOSE AND SHORT TITLE

#### 6.2.1 Purpose



The purpose of this ordinance is to protect and promote the public health, safety and general welfare of the citizens of Oconee County, South Carolina, providing for the harmonious, progressive, and orderly development of land. These regulations are established for the following specific purposes, among others, as provided for in the South Carolina Local Government Comprehensive Planning Enabling Act Of 1994 (Section 6-29-1120 of the Code of Laws of South Carolina, 1976, et seq.):

- (1) to encourage the development of an economically sound and stable county;
- (2) to assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (3) to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- (5) to assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the County's Comprehensive plan.

#### 6.2.2 Short Title

This ordinance shall be known and cited as the "Oconee County Land Development and Subdivision Regulations Ordinance".

### 6.3 DEFINITIONS

When used in the Ordinance, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

*(1) Apartment Complex – A building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.*



(2) Average Daily Traffic - The number of vehicles that will be utilizing a road, intersection or other reference point in a twenty four (24) hour period.

(3) Block - A parcel of land entirely surrounded by roads or highways, railroad right-of-ways, waterway, or combination thereof.

(3)(4) Building Footprint - The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts.

(5) Building Line - A line beyond which no part of the structure of any building shall project, with the exception of subsurface projection of footings, measured perpendicular to the property line. This includes, but is not limited to, the building, eaves, porches, decks, chimneys, bay windows, and fire escapes.

(6) Building Permit - A document or certificate issued by Oconee County authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).

(7) Cleared or Grubbed Areas - The area within the road right-of-way that is cleared of vegetation.

(8) Comprehensive Plan - Any legally adopted part or element of the Comprehensive Plan of Oconee County, South Carolina. This plan may include, but is not limited to the Community Facilities, Population, Economic Development, Land Use, Natural Resources, and Housing elements.

(9) Condominium Complex - *A building or group of buildings containing dwelling units in which dwelling units are individually owned and where the structure, common areas and other facilities are owned by the developer and/or the owners of the individual units on a proportional or individual basis.*

(10) Crosswalk - A right-of-way (within a block) ten (10) feet or more in width, dedicated for public use, and intended for pedestrian access to adjacent land areas.

(11) Cul-de-sac - A local road (minor) with one end open to traffic and the other end terminated with a planned vehicular turnaround.

(12) Density - The number of dwelling units or lots per acre of land developed or used for residential purposes.

A. Low Density - 2 or less dwelling units per acre.

B. Medium Density - From 2.1 to 6.0 dwelling units per acre.

C. High Density - Over 6 dwelling units per acre.

(13) Developer - An individual, partnership or corporation (or agent therefor) that undertakes the activities covered by these regulations.

(14) DHEC - The South Carolina Department of Health and Environmental Control.

(15) Dwelling - A building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities.

A. Single Family Dwelling- A detached dwelling designed for or occupied exclusively by one family on a single lot.

B. Duplex- A building arranged or designed to be occupied by two (2) families living independently of each other on a single lot.

C. Group Dwelling- A group of two or more principal structures built on a single lot, parcel or tract of land and designed for occupancy by separate families.

D. Multiple Family Dwelling- A building or series of buildings on the same lot used or designed as a dwelling place for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

(16) Dwelling Unit - One or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

(17) Easement - Authorization by a property owner for another to use the owner's property for a specified purpose.

(18) Flood - A general and temporary condition of partial or complete water coverage of normally dry land area because of the accumulation or runoff of surface waters from any source.

(19) Flood Plain - Land areas adjoining a river, stream or water course which are subject to a one percent or greater chance of flooding in any given year.

which areas are more specifically established by the Federal Emergency Management Agency in its Flood Insurance Study for Oconee County.

(20) Half Road - A road located so that a cross-section of its width lies on more than one parcel.

(21) Lake - A considerable inland body of standing water.

(22) Land Development - The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

(23) Lot - A single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

A. Lot Area - The total gross area of the lot including easements.

B. Corner Lot - A lot with frontage on each of two intersecting roads located at the point of intersection.

C. Lot Depth - The mean horizontal distance between the front and rear lot lines.

D. Double frontage lot - A parcel having frontage on two (2) or more roads which is not located at any intersection of such roads.

E. Lot Width - The horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or in the case of a curvilinear road measured parallel to the chord of the arc between the intersection of the side lot lines and the road right-of-way line.

(24) Minor Subdivision - A minor subdivision is any subdivision of a parcel that:

A. results in a total of no more than four (4) lots (including any remaining section of an original tract), does not involve the construction or extension of any public road to provide access to interior lots, and does not involve the creation of any new drainage easement, or

B. results from the conveyance of parcels deeded by parents to children, children to parent, sibling to sibling, grandparents to grandchildren or grandchild to grandparent, and does not involve the construction or extension of any public road, bridge or drainage structure to provide

access to interior lots, and does not involve the creation of any new drainage easement.

(25) Mobile Home (Manufactured Housing Unit) - A detached, single family dwelling designed for long-term occupancy, designed to be transported on its own axle and wheels, arriving at the site in sections or a complete dwelling unit, usually including major appliances and furniture, and ready for occupancy. Removal of wheels and placement of a foundation does not change the mobile home classification. A travel trailer is not a mobile home.

(26) Multi-family Housing - *A building or buildings designed to be occupied by two or more households living independently of each other, with the number of households in residence not exceeding the number of dwelling units provided.*

(27) Oconee County Road - Any paved road, gravel road, dirt road or bridge that is owned and/or regularly maintained by Oconee County and considered part of the County road system.

(28) Open Space Site - A tract of land provided in residential subdivisions to meet the local recreational needs and desires of residents. Such tracts may include play areas, parks, natural woods, open fields and meadows and areas of scenic beauty.

(29) Owner's Engineer - An engineer registered and in good standing with the S.C. Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

(30) Owner's Land Surveyor - A land surveyor registered and in good standing with the SC Board of Registration for Professional Engineers and Land Surveyors who is the agent of the owner of the land proposed to be subdivided, or which is in the process of being subdivided.

(31) Parking, Off-Street - An area adequate for parking an automobile with room for safety opening doors on both sides, together with property related access to a public road arranged so that no maneuvering incidental to parking shall occur on any road.

(32) Person - Any individual, corporation, company, partnership, organization, utility and/or municipality.

(33) Planning Commission - The Oconee County Planning Commission and planning staff specifically authorized to carry out certain functions on its behalf.

(34) Plat - A map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.

A. Sketch plat - A simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.

B. Preliminary plat - A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.

B. Final plat - The map of the subdivision to be recorded after approval by the Planning Director and any accompanying material as described in these regulations.

(35) Private Driveway - a driveway that provides vehicular access and road frontage to not more than three (3) single family residences.

(36) Private Drive - A privately owned and maintained right-of-way or easement that provides vehicular access and road frontage to not less than 4 and not more than ten (10) single family residential lots.

(37) Private Road - A privately-owned and maintained right-of-way or easement that is constructed in accordance with these regulations and provides vehicular access and road frontage to more than ten (10) single-family residential lots.

(38) Public Road - Roads, avenues, boulevards, roads, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by the State of South Carolina or Oconee County.

A. Arterial Road - A major road that serves as an avenue for circulation into, out of, or around the County. Typical number of average daily traffic (ADT) exceeds \_\_\_\_\_.

B. Collector Road - A road that has the primary purpose of intersecting traffic from intersecting local roads and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.

C. Local Road (major) - A road that has two or more access points. The primary purpose is to provide access to abutting properties. Typical number of average daily traffic (ADT) ranges from 401 to 800.



D. Local Road (minor) - A road that has the primary purpose of providing access to abutting properties. Typical number of average daily traffic (ADT) ranges from 0 to 400.

(39) Road Right-of-Way Width - The distance between property lines measured at right angles to the centerline of the street on a platted right-of-way, or the distance on each side of the center line of the road as set forth in a deeded right-of-way.

(40) Sanitary Sewer - A constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

(41) Setback Line - The line indicating the minimum distance permitted between the road right-of-way line and the building line.

(42) Septic Systems - A system for the treatment and disposal of domestic sewage by means of a septic tank and soil absorption systems. All such systems are subject to the review and approval of the South Carolina Department of Health and Environmental Control.

(43) Sketch Plan - See *Plan*.

(44) Storm Sewer - A constructed conduit connected with or as a storm sewer system for the carrying of storm waters to a water source.

(45) Stream - A flow of water in a channel or bed, such as a brook, creek or river.

(46) Street - See *Public Road*.

(47) Subdivider - Any person, firm, corporation, owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this ordinance. See also "Developer".

(48) Subdivision - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record. *A subdivision shall include townhouses, condominium complexes, apartment complexes and multi-family housing.*



The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

(a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County;

(b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the County Planning Commission which shall indicate that fact on the plats; and

(c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

(49) Terrain Classifications - Classification of terrain by grade ranges as follows:

Level - Grade range of 0% to 8%

Rolling - Grade range of 8.1 to 15%

Hilly - Grade range of over 15%

(50) Transfer or Sale of Lots - Any means by which the ownership of a property changes hands; including, but not limited to, the purchase or trade of a property subject to a mortgage, the assumption of a mortgage debt by the property purchaser, and any exchange of possession of the property under a land sales contract or any other land trust device.

(51) Townhouse - A building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.

(52) Utilities - Utilities shall consist of any and all utility services to a subdivision, including water, sewer, storm sewer, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, authority, or a governmental entity.

(53) Watercourse - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(54) Yard- A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

A. Front Yard - A yard situated between the front building line and the front lot line extending the full width of the lot.

B. Rear Yard - A yard situated between the rear building line and the rear lot line extending the full width of the lot.

C. Side Yard - A yard between the side building line and a side lot line that extends from the front yard to the rear yard.

## **6.4 REQUIREMENTS AND STANDARDS**

**6.4.1 Unapproved Plat Prohibition** - No plat of the subdivision of any land within the unincorporated areas of Oconee County as now or hereafter established, and any incorporated municipality which contracts with the Oconee County Council for these regulations to be administered within such municipality, shall be filed with or recorded by the Oconee County Registry of Deeds until such plat shall have been submitted to and approved by the Oconee County Planning Commission or Planning Director according to the procedures set forth in this Ordinance. No road or other way or land shall be accepted or maintained, nor shall any water lines, sewerage, road lighting or similar improvements extended or connected, nor shall any permit be issued by any department of the County for any building or other improvements in any subdivision established hereafter which has not been approved by the Oconee County Planning Director and met such requirements as prescribed by Oconee County Council.

**6.4.2 Survey Standards** - Plats shall be prepared and survey data entered thereon in accordance with the most recent adopted version of the "Minimum Standards Manual of the Practice of Surveying in South Carolina" established by the SC Board of Registration for Professional Engineers and Surveyors provided that all elevations information shall refer to Mean Sea Level Datum. Accuracy of plats and attendant data shall be no less than that required in said manual for Class B Suburban Land Surveys.

**6.4.3 Subdivision Name** - The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final approval authority for the name of the subdivision.

**6.4.4 Utilities**- When utilizing a road right-of-way, all utility lines shall be buried at a depth of at least thirty six (36) inches. Such lines shall be located outside the portion of the road to be surfaced to prevent having to cut into the paved

surface or reconstruct drainage structures to serve abutting properties. In order to prevent future road cuts, utility stub-outs shall be added to all utility lines extending beyond the roadway to each property line.

**6.4.5 Road Name Signs** - Road name signs shall be installed at all intersections within a subdivision. All other signs shall be installed as required by and at the direction of the County Engineer or his designee. All roads that are not County roads must have a second road sign or be attached to the post below the road name that states: "This Road Is Not Maintained By Oconee County." These signs may be obtained from the County Road Department. The developer shall be responsible for the costs of said signs.

**6.4.6 Minor Subdivision Requirements**

- (1) No consideration, other than a nominal monetary amount and love and affection, shall be paid to the Grantor of minor subdivisions as defined by Section 6.3.21.B
- (2) No more than one (1) minor subdivision may be applied for by and approved for any single subdivider on a single original parcel within any two (2) year period.
- (3) Any subdivision not qualifying as a minor subdivision shall be subject to all local and state regulations governing regular subdivisions, and shall be processed as such by the Planning Department.

**6.4.7 Submission of Plan for Consideration as a Road** - Construction plans for roads shall include accurate topographic information with increments of no more than five (5) feet. In addition, all such plans should note the following items: the location and dimensions of all drainage features; routes of surface water drainage for the entire development; a typical cross section of the proposed roadway; road profiles; horizontal and vertical curve designs; right of way dimensions; the location of all cuts and fills; finished grade elevations; all necessary erosion control practices; which may include but are not limited to, permanent vegetation, lined or piped ditches, or vegetated waterways; and contact information of all interested parties.

**6.4.8 Road Alignment and Location** - The direction and pattern of roads shall take advantage of the land contour to eliminate or reduce excessive cutting and filling, and provide roads with reasonable grades.

**6.4.9 Signs within Right-of-Way** - No person shall place a sign within the right of way of an Oconee County road unless said sign is approved in writing by the County Engineer.

**6.4.10 Sidewalks** - When a subdivision plans on placing sidewalks within a subdivision, the location and widths of the sidewalks shall be shown on any and all plats. Sidewalks dimensions and construction shall meet all requirements for sidewalks contained in the

SCDOT Highway Construction Manual. Sidewalks shall not be located within the road right-of-way. Oconee County shall not accept any road into the County road system that contains a sidewalk within the road right-of-way, unless said road is specifically accepted by the Oconee County Council.

#### *6.4.11 Development Review Committee*

*(1) The Oconee County Development Review Committee is hereby established. The Committee shall consist of a representative of the Planning Department, the County Engineer, a representative from the Building Codes Department, a representative of the Oconee County Fire Marshal, and a representative of the Emergency Management Department. The Committee shall report to the Oconee County Administrator.*

*(2) The developer of any subdivision in Oconee County shall submit a site development plan to the Oconee County Planning Department. The Director of the Oconee County Planning Department and the County Engineer shall review the site improvement plan and if it is determined that the subdivision is a minor subdivision as defined by this Ordinance, the Director of the Planning Department and the County Engineer may approve the site development plan without review by the Committee or may refer the plan to the Committee. All other proposed subdivisions must have a site development plan reviewed and approved by the Development Review Committee. All site improvement plans that are referred to the Development Review Committee include a traffic impact/road capacity study and an impact analysis on any existing water and sewer infrastructure in the area of the proposed development. The Development Review Committee shall review site improvement plan to determine if the plan complies with this Ordinance. The Committee may consult with a developer as to what additional infrastructure must be included in the project in order for the Committee to approve the site improvement plan. The Committee shall have the authority to approve or disapprove site development plans.*

*(3) If the Committee determines that the proposed land development will increase the average daily traffic (ADT) on a public road that is owned or maintained by the County to the extent that said road will need to be upgraded in order beneficially accommodate the increase of traffic in accordance with the criteria set forth in this Ordinance, the developer of the proposed land development shall be responsible for all costs (including right of way acquisition) necessary to upgrade said road. The Development Review Committee may also require the construction of turn lanes and fire lanes for use by emergency vehicles as part of the approval process of the site improvement plan.*

*(4) The Development Review Committee may establish and publish minimum requirements for approval of site development plans that are not inconsistent with this Ordinance.*



## **6.5 LOT IMPROVEMENTS**

**6.5.1 Lot Arrangements** – All lots shall be arranged such that there will be no apparent difficulties in securing driveway encroachment permits or building permits for reasons of topography or other conditions and must have driveway access from an approved road. The developer shall assure compliance with Chapter 6 (Subdivision and Land Development Regulations) of the County Performance Standards.

**6.5.2 Lot Dimensions** - Except where circumstances such as topography, water course, road alignments or existing site boundary configuration dictate otherwise, the following requirements shall be effective. In general,

1. Dimensions of corner lots shall be large enough to allow for the erection of buildings observing the minimum yard setbacks from both streets, without encroaching into side and rear yard setbacks.
2. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for that type of development, without encroaching into yard setbacks.

**6.5.3 Lot Size** - Minimum lot size shall be .57 acres with septic tank and public water, unless DHEC requires greater area or dimensions. Calculated area must not include right-of-ways or specified easements.

### **6.5.4 Septic System Setback**

1. Septic systems shall be constructed so that the extreme extent of the proposed leaching area's outside edge shall be no closer than one hundred (100) linear feet from any existing or proposed well; seventy-five (75) linear feet from the ordinary high water (within the banks) elevation of any impounded or natural body of water, to include lakes, ponds, rivers and streams; five (5) linear feet from all lot lines; and ten (10) linear feet from any proposed or existing structure. In the case of a mound septic system, the toe of the mound shall be considered to be the edge of the leaching area.
2. The applicant shall provide the Planning Director a copy of all South Carolina Department of Health and Environmental Control (DHEC) permit drawings and an approved DHEC permit application for the proposed septic system. The Planning Director shall ensure that the septic system is installed in accordance with these drawings and the subdivision and land development regulations put forth in the Oconee County Unified Performance Standards Ordinance (#99-14).

3. The applicant must demonstrate to the Planning Director that the proposed development will not adversely affect existing water supplies. The applicant must further demonstrate that the proposed water systems will not be adversely affected by existing septic systems.

**6.5.5 Building Lines** - Single family residential building setback lines shall be: Front Yard twenty five (25) feet from the closest edge of the right-of-way on lots abutting local roads and forty (40) feet from the right of way on lots abutting collector roads. Side Yard setback of ten (10) feet from each property line or right-of-way and Rear Yard setback of twenty five (25) feet from the rear property line or right-of-way. Corner lots shall have a setback of twenty five (25) feet from all road rights-of-way except for those abutting collector roads, which shall have a setback of forty feet (40) feet.

**6.5.6 Double Frontage Lots and Access to Lots**

- A. Every lot shall have at least twenty five (25) feet of frontage on a public or private road.
- B. Double Frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential traffic from traffic arterials or to overcome specific disadvantages of topography and orientation.
- C. Lots shall not in general derive access exclusively from arterial and collector roads. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial and collector roads.

**6.5.7 Lot Drainage** - Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm water from each lot to adjacent lots.

**6.5.8 Lakes and Streams** - If a tract being subdivided contains a water body, or portion thereof, the ownership of and the responsibility for safe and environmentally compliant maintenance of the water body is to be placed so that it will not become a local government responsibility. The minimum area of a lot required under this ordinance may not be satisfied by land that is under water. Where a watercourse other than storm drainage separates the lot's buildable area from the road providing access, an engineer's certified structure shall be provided linking the buildable area to the road. All watercourses shall remain free of obstructions or degradations.

**6.5.9 Easements** - Easements having a minimum width of (10) feet and located along the front, side or rear lot lines shall be provided as required for utilities and drainage.



**6.5.10 Usable Area** - All lots adjacent to flood plains, creeks, and wetlands should use these natural features as lot boundaries when possible. Lots containing areas unsuitable for usage shall not use these areas in calculating minimum lot area.

**6.5.11 Entrances** - One entrance is required for every one-hundred (100) lots in a proposed subdivision, or a maximum of one-hundred (100) lots on a dead end road with a cul-de-sac. This requirement may be waived by the Planning Director due to topography and feasibility.

#### **6.5.12 Trees**

*Lot trees.* The owner shall make every effort to preserve as many trees as possible, including specimen trees or groves of trees and remove only those trees necessary for the development of the lot. This stipulation shall not be a subjective basis for the withholding of approval.

*Street trees.* Any trees or shrubs located in the right-of-way are the responsibility of the property owner, but may be removed at the discretion of the County.

### **6.6 BLOCKS**

**6.6.1 Residential Block Length** - In order that there may be convenient access between various parts of a subdivision and in order to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed eighteen hundred (1,800) feet and shall not be less than six hundred (600) feet; provided, however, that such length may be modified when appropriate due to the topography or physical shape of the property being subdivided.

**6.6.2 Residential Block Width** - Blocks shall have sufficient width to allow two (2) tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

### **6.7 PRIVATE DRIVEWAYS, DRIVES AND ROADS**

**6.7.1 Private Driveways**- Private driveways shall serve no more than three (3) single-family residential lots, and shall be maintained by the property owner. No design standards shall apply to private driveways.

**6.7.2 Private Drives**- All private drives existing and in use at the time of adoption of these regulations, as well as those private drives under construction prior to the time of adoption, shall be exempted from the standards contained in this section.

This exception shall also extend to those private drives approved by the Planning Department prior to the time of adoption. All other private drives shall:

- a. serve no more than ten (10) lots;
- b. have a minimum right-of-way of thirty (30) feet or easement;
- c. have an appropriate encroachment permit from either Oconee County or the South Carolina Department of Transportation;
- d. have a minimum frontage requirement of thirty (30) feet for each lot served by the drive;
- e. have a minimum driving surface width of fourteen (14) feet constructed of no less than four (4) inches of compacted crushed stone or gravel base; a minimum height clearance of thirteen and one-half (13<sup>1/2</sup>) feet; and appropriate documentation from a professional engineer licensed by the State of South Carolina certifying the maximum weight limit of any bridge located on the drive. All bridges located on a private drive must include appropriate signage (located at each end of the bridge) displaying the structure's weight limits;
- f. be maintained by an individual or association of property owners, as recorded in appropriate deed covenants and restrictions;
- g. be inspected and certified for compliance by an engineer/surveyor licensed by the State of South Carolina;
- h. comply with all current fire regulations and codes.
- i. observe minimum road offsets put forward in Section 6.8 Public Roads of this document. In the event that the developer demonstrates to the Planning Commission that the strict application of the standards is not warranted, a less stringent offset distance may be approved. In no case, however, shall the minimum offset distance be less than eighty (80) feet from centerline to centerline;
- j. not connect to another private drive or private road, and shall connect to a public road on one end only;

k. be named in accordance with adopted E-911 Addressing regulations;

l. allow at least one hundred (100) feet of sight distance for each ten (10) miles per hour of the posted speed limit where the private drive intersects a public road. The sight distance shall be measured from a seeing height of three and one-half (3 ½) feet to an object one foot in height above the grade of the public road. If the proposed drive does not meet the sight distance requirement, a waiver must be signed by the individual(s) constructing the private drive stating that the owner(s) is liable and responsible for any accidents, injuries, problems, and property damage resulting from improper sight distance;

m. meet all applicable storm water management and sediment control regulations;

n. be approved in writing by Planning Commission staff prior to submission of plat(s) to the Register of Deeds for recording. The following shall be prominently printed on the plat(s) in all capital letters:

**“THE ROAD RIGHT-OF-WAY EASEMENTS SHOWN ON THIS PLAT SHALL BE PRIVATE DRIVES NOT OWNED, MAINTAINED OR SUPERVISED BY OCONEE COUNTY, AND WERE NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY OCONEE COUNTY. ROAD RIGHT-OF-WAY EASEMENTS SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY OCONEE COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH ADOPTED OCONEE COUNTY SUBDIVISION REGULATIONS.”**

o. Comply with the State Manual for Uniform Traffic Control Devices.

**6.7.3 Private Roads** – Private roads shall provide vehicular access and road frontage to developments, or sections of developments, containing more than ten (10) single-family residential lots. All private, non-dedicated roads shall be prominently indicated as such on plats prior to subdivision approval. Maintenance arrangements for such roads must be noted in writing on subdivision plat submittals and must be subsequently recorded. The development served by a private road shall have direct access into a public road, and no such private road shall be laid out so as to serve property outside the development. All private roads shall:

a. serve a minimum of eleven (11) lots;

- b. have a minimum right-of-way or easement width of fifty (50) feet;
- c. have a minimum road frontage requirement of thirty (30) feet for all lots;
- d. be constructed in accordance with the regulations set forth in section 6.8 of these regulations;
- e. be maintained by an individual, association of property owners, or active Home Owner's Association as recorded in appropriate deed covenants and restrictions;
- f. be legally certified for compliance by a surveyor/engineer licensed by the State of South Carolina;
- g. be named in accordance with adopted E-911 Addressing regulations;
- h. meet all storm water management and sediment control regulations;
- i. be properly approved in writing by Planning Director prior to submission of plat(s) to the Register of Deeds for recording. The following shall be prominently printed on the plat(s) in all capital letters:

**\*THE ROAD RIGHT-OF-WAY EASEMENTS SHOWN ON THIS PLAT SHALL BE PRIVATE ROADS, NOT OWNED, MAINTAINED OR SUPERVISED BY GCONEE COUNTY AND NOT CONSTRUCTED PURSUANT TO ANY PLAN FOR FUTURE ACCEPTANCE BY GCONEE COUNTY. ROAD RIGHT-OF-WAY EASEMENTS SHOWN UPON THE PLAT SHALL NOT BE ACCEPTED FOR MAINTENANCE BY GCONEE COUNTY AT ANY TIME IN THE FUTURE UNLESS CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.\***

- j. Comply with the State Manual for Uniform Traffic Control Devices.

With the exception of the requirements put forth in this section, all private roads shall meet the requirements of Section 6.8 Public Roads of the Subdivision and Land Development Ordinance.

## 6.8 PUBLIC ROADS

- 6.8.1 Continuation of Adjoining Road System** - The proposed road layout shall extend existing roads on a logical course at a width which meets the minimum required by this ordinance. A minimum hundred to one (100:1) taper section shall be used to transition from one width to another.
- 6.8.2 Road System Coordination** - The road system of a subdivision shall be coordinated with existing, proposed, and anticipated roads outside the subdivision as determined by the State of South Carolina or the County Planning Department, outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding roads"). Roads shall intersect with surrounding collector or arterial roads at safe and convenient locations and shall connect with surrounding roads where necessary to permit the convenient movement of traffic between residential neighborhoods by emergency service vehicles or for other sufficient reasons. Whenever connections to surrounding roads are required by this section, the road right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of one thousand (1,000) feet may be created unless no other practicable alternative is available as determined by the Planning Director and the County Engineer.
- 6.8.3 Road Names** - A proposed road which is obviously in alignment with or an extension of an existing named road shall bear the name of the existing road. Except for the above, in no case shall the name of a proposed road duplicate or be phonetically similar to an existing road name, irrespective of the use of suffix (road, avenue, boulevard, drive, place, court, lane, etc.). It shall be unlawful for any person in laying out any new road to name such road on any final plat or instrument without first obtaining the approval of the Oconee T-911 Addressing Office and the Planning Commission.
- 6.8.4 Local Roads** - Local roads shall be so laid out that their use by through traffic will be discouraged.
- 6.8.5 Residential Buffers for Collector or Arterial Roads** - Where a subdivision abuts or contains an existing or proposed collector or arterial road, the Planning Commission may require that lots which abut or are adjacent to these existing or proposed collector or arterial roads shall face a local road. Other treatment may also be required, as necessary, for adequate protection of the



landscape and residential properties and for separation of through and local traffic. Special treatment may be required, such as screen planting contained in a non-access reservation along the rear property line adjacent to the arterial road.

**6.8.6 Road Design (Geometric Criteria)** - In general, geometric criteria for road design shall be in accordance with standards of the South Carolina Department of Transportation (SCDOT). Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. Local and collector residential roads (public) shall be designed in accordance with the following standards:

- a. Minimum right-of-way and pavement width shall be as follows:

<u>Road Type</u>	<u>Right-of-Way</u>	<u>Pavement</u>
Arterial	66'	28'
Local	50'	22'
Collector	50'	24'

For high density residential or nonresidential subdivisions or portions thereof, additional right-of-way or pavement width shall be provided when determined as necessary by the Planning Commission or County Engineer.

- b. Cul-de-sacs shall comply with current fire regulations and codes. Dead-end streets without turnarounds are prohibited. All unpaved islands located within perimeters of a cul-de-sac shall be round in configuration, centered within the right-of-way, curbed and properly drained. The area utilized by any unpaved island shall not be considered part of the minimum area needed to meet the required dimensions for the cul-de-sac or right-of-way. All planned unpaved islands shall be approved by the County Engineer prior to construction.
- c. Horizontal curvature shall be introduced at any change in road direction, and the minimum centerline radius shall be one hundred fifty (150) feet for local roads and two hundred fifty (250) feet for collector roads. Arterial road curvature shall be in accordance with State Highway Department standards. Minimum tangent between reverse curves shall be one hundred fifty (150) feet for local roads, and one hundred (100) feet from curve to any intersecting road.
- d. Stopping sight distance on vertical curves shall be at least one hundred fifty (150) feet (25 mph design speed) for local roads and three hundred twenty five (325) feet (45 mph design speed) for collector roads. If a



collector road may reasonably be expected to serve more than one subdivision, it shall be designed for at least a fifty five (55) mph design speed (450' minimum sight distances). Minimum sight distance at intersections shall be established by provision of a clear sight triangle right-of-way measured at least twenty five (25) feet from the intersection of the road right-of-way in either direction which triangle shall be entered upon the final plat prior to recording. Modifications may be required by the County Engineer in order to insure safety.

- e. Roads shall be designed to intersect as nearly as possible at right angles but no less than seventy five (75) degrees. Minimum radius of curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty five (25) feet at intersections with collector roads.
- f. Unless necessitated by unusual topographic conditions approved by the County Engineer, minimum and maximum road grade shall be one percent (1%) and twelve percent (12%) respectively.
- g. Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on opposite sides of a road shall be one hundred fifty (150) feet. No two roads may intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.
- h. Intersections shall be designed with a flat grade whenever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) rate at a distance of thirty (30) feet, measured from the nearest right-of-way line of the intersecting street.
- i. Driveways must be at least seventy five (75) feet from the nearest intersection. This requirement may be waived by the County Engineer for safety or topographic reasons.
- j. If the developer proposes a planted median island, the right of way shall be divided in half for each half of the road (25 feet each side) with the roads centered in the right of way. Oconee County shall not be responsible for maintaining any median vegetation. Vegetation within the right of way may be removed by the County if it presents a safety or visual hazard. All planted medians shall be irrigated or passively drained by methods submitted by the developer and approved by the County Engineer. A typical type of passive drainage system shall be a 4 inch perforated drain pipe surrounded by a minimum of 1 square foot of washed ¾ inch stone with a filter fabric surrounding the stone. The drainage shall be piped away from the median.

**6.8.7 Road Construction** - In general, all public roads shall be constructed in accordance with the SCDOT "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/subbases, paved surfaces, etc., and the following requirements:

- a. Paved road surfaces are required for all new roads.
- b. The minimum base course for all roads shall consist of type #2 crushed gravel aggregates compacted on the roadway to a depth of not less than five (5) inches. Compaction of the aggregate shall comply with the standards put forth in Section 6.7.8.1.
- c. Local Roads - When hot asphaltic mix will be applied, specifications for set up and primer are same as for surface treatment. Asphalt shall be applied at no less than one and one half (1 1/2) inch compacted of type as specified by the County Engineer.
- d. Collector Roads - Road base shall include five hundred fifty (550) lbs. of stone per square yard (approx. 5") with two (2) two inch (2") surface course of asphaltic concrete or bituminous paving (triple treatment/type 3) paving.
- e. Industrial/ Commercial Roads - Road base shall include six hundred fifty (650) lbs. of stone per square yard (approx. 6") with two (2) two inch (2") surface course of asphaltic concrete or bituminous paving (triple treatment/type 3) paving.
- f. Road paving is required for all new nonresidential subdivisions falling under the jurisdiction of this ordinance. Pavement design requirements for non-residential subdivision shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation
- g. Officials; or the Portland Cement Institute; or the National Asphalt Institute. All designs shall be subject to review and approval of the County Engineer and the Oconee County Planning Commission. However, in no case shall the paving standard be less than the standard required for new residential subdivisions.
- g. Before grading is started on open drainage local and collector roads the entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable materials. All tree stumps and other vegetation shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a minimum

depth of three (3) inches below subgrade. The entire right-of-way shall be graded.

- h. Prior to the start of grading on local (closed drainage) roads, a minimum right-of-way of thirty six (36) feet ~~(fifty (50))~~ shall be cleared of all stumps, roots, brush and other objectionable materials. All tree stumps and other vegetation shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a minimum depth of three (3) inches below subgrade. The entire thirty six (36) ~~(fifty (50))~~ feet of right of way shall be graded.
- i. All debris and other material deemed unsuitable by the County Engineer shall be removed before any dirt or soil is placed in fills. All unsuitable material shall be removed. Suitable material shall be placed in the embankment for the formation, compaction and shaping of all embankments, sub-grades, shoulders, slopes, intersections, approaches and private entrances to conform to the typical cross section shown on approved road construction plan.
- j. When an embankment is to be on a hillside or against an existing embankment sloping more than twenty (20) degrees from the horizontal, the slope of the hillside or existing embankment shall be plowed deeply or cut into steps before filling is commenced. All embankments shall be formed by placing and spreading the material in successive, uniform, horizontal layers of not more than six (6) inches in depth for the full width of the cross section and shall be kept level by the use of approved equipment. Embankments over and around pipes, culverts, arches, bridges, or other structures shall be constructed of materials approved by the County Engineer.
- k. All pipe culverts shall consist of the following materials:

- 1) Reinforced Concrete conforming to the requirements of American Association of State Highway Officials (AASHO) M 178 Class 3 pipe.

All pipe culverts shall be of sufficient size to adequately insure proper drainage. Calculations by a professional engineer licensed by the State of South Carolina must be submitted and approved by the County Engineer. Rip-rap shall be securely installed to the height of the high water mark around the inlet end of all pipe culverts.

- l. In the event that the Engineer, after consultation with appropriate authorities, deems the crossing of a watercourse to necessitate a

bridge, such bridge shall conform to current S.C.D.O.T. specifications for steel reinforced concrete bridges of at least twenty-four (24) feet in width. Such bridges shall be of such elevation as to be approved by the County Engineer.

m. All drainage inlets and outlets not accessible from the road right-of-way must include a permanent easement allowing Oconee County access to and use of adjacent property needed to perform necessary maintenance work. Oconee County will not be responsible for any damage off of the right of way due to high water or flash flood conditions.

n. Property owners adjoining the road right-of-way may request that the County perform work to assist the property owner with a drainage problem. The County may at its discretion construct berms, swales and/or ditches, or install plastic or concrete pipe within the County maintained road right-of-way. The property owner shall pay two and one-half (2 ½) times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with future drainage problems, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.

In the event the County decides to assist the property owner with the drainage problem, the County Engineer, or his designee will provide a non-binding but good faith cost estimate for the material costs of the project first. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.

o. Property owners adjoining the road right-of-way may request that Oconee County perform work within the right-of-way to install driveway aprons and/or culverts. The County may at its discretion construct said aprons and/or culverts within the County maintained right-of-way. The property owner shall pay two and one-half (2 ½) times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with said work, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.

The County Engineer, or his designee, will provide a non-binding, good faith cost estimate for the material cost of the project. Special services or equipment needed to complete the job will be billed as invoiced by the contractor or vendor providing the special service or equipment.

- p. Open roadside ditches will not be permitted in high-density housing developments or on roadsides having excessive slopes. Five (5) lots or more on either side of proposed roadway per one tenth (1/10) mile is considered high density. Should any part of the development along the proposed roadway within a subdivision be determined high density, then all proposed roads within the subdivision will be constructed to high density standards. Roadside drainage along high density roadways will be accomplished through the use of approved curbs, gutters, paved valley gutters, catch basins, under ground drainage pipe or an approved combination of these. (See Figures 1 and 2 below. Standard South Carolina DOT approved highway curb and gutter or rolled curbing is recommended. (Figure 2, below). Extruded concrete curb shall not be accepted. On low-density developments where open roadside ditches are allowed, design velocities will dictate the vegetation or channelling requirements. Erosive conditions will not be approved.



# STANDARD CATCH BASIN DETAIL

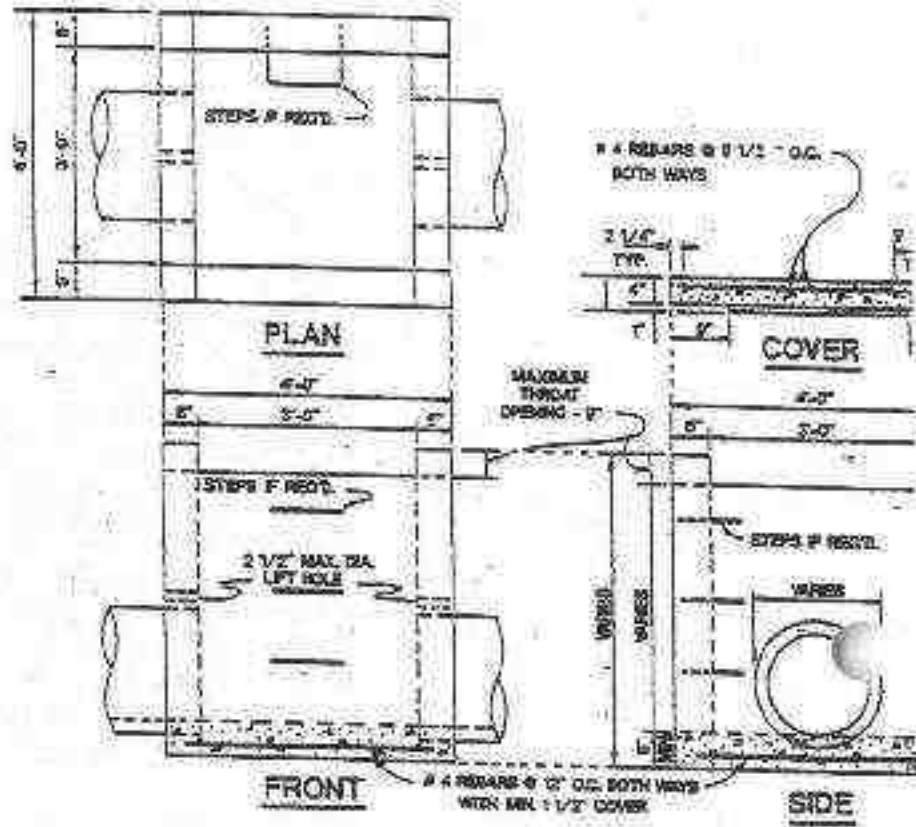
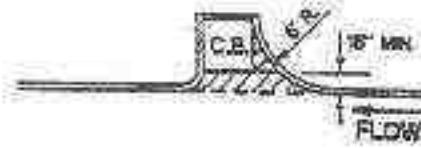


Figure 1 Details





NOTE: CROSSHATCHING INDICATES SLOPED GRADE

NOTE: GREATER RADIUS MAY BE REQUIRED FOR CATCH BASIN THROAT APRONS TO INSURE TRAP EFFICIENCY THAT WILL ACCOMMODATE STREET SLOPE AND/OR FLOW VOLUMES.

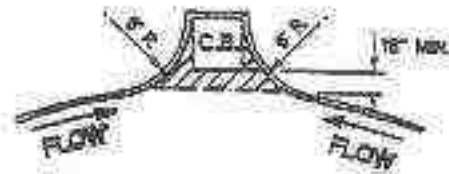
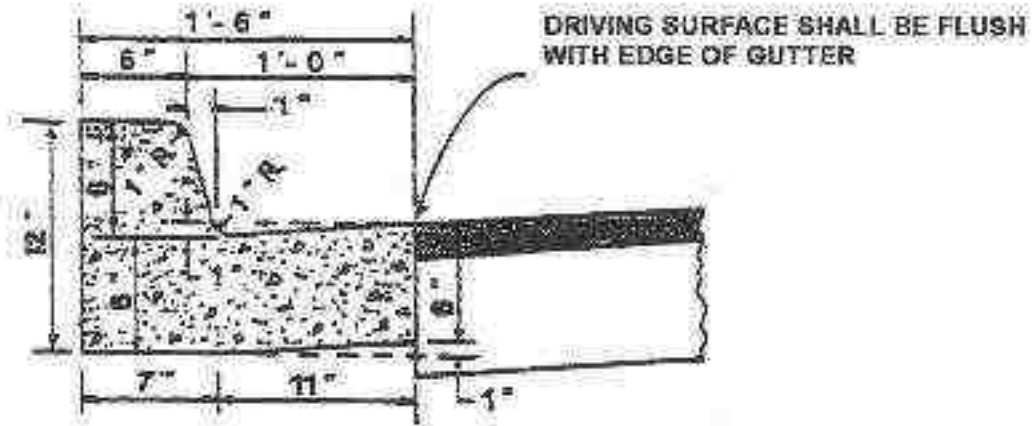
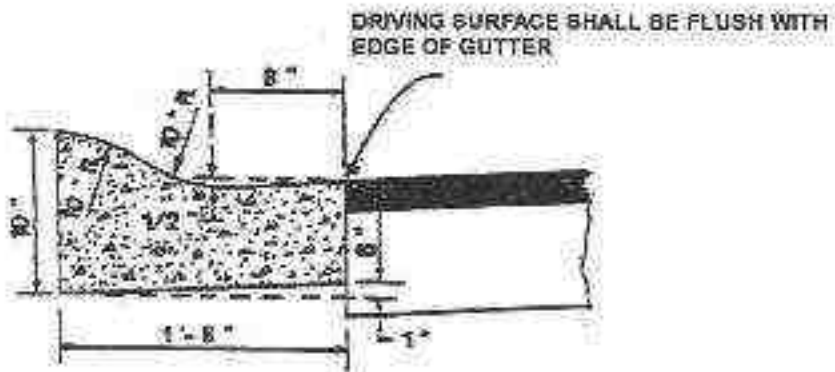


Figure 2

## STANDARD CURB AND GUTTER



## ROLLED CURBING



Curb cuts in concrete curb shall conform to Figure 4. below.

Figure 4

DETAIL OF STANDARD DROP-CURB DRIVEWAY WHERE NO  
SIDEWALK EXISTS OR A GRASS PLOT OF 7'-4 3/4" OR  
GREATER EXISTS

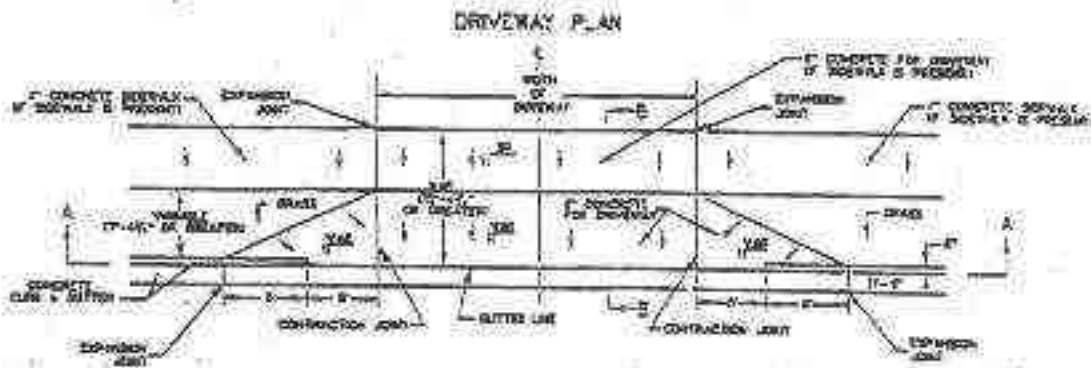
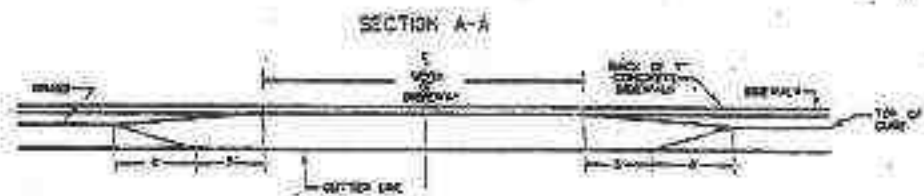
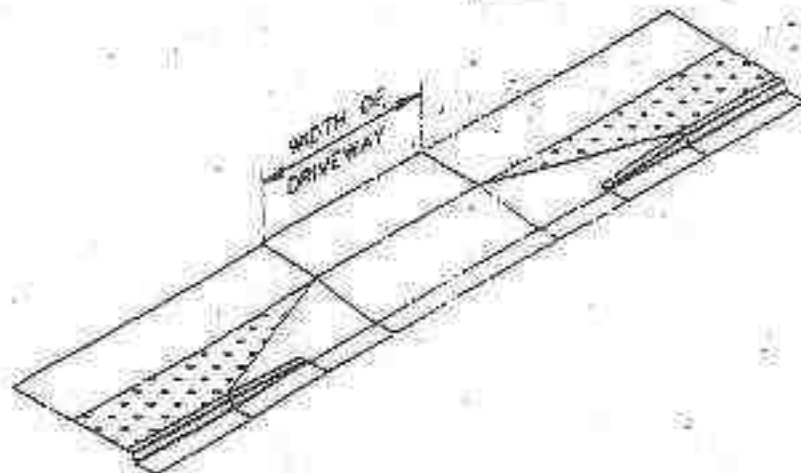
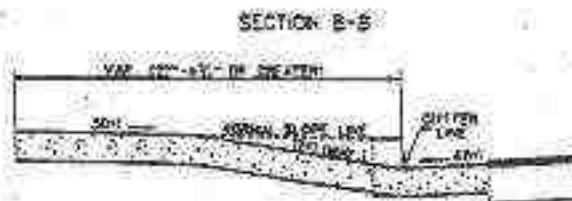


Figure 4 Section Views



NOTE:  
 THE SIDEWALK FRONT END IS REQUIRED  
 TO HAVE 1" EDGES AND 1/2" BLOCK ON  
 EITHER END OF THE DRIVEWAY CURB TO ELIMINATE  
 DIFFERENTIAL BETWEEN THE CURB AND THE SIDEWALK.  
 SUCH SLOPE SHALL BE NO STEEPER THAN 6%.



**6.8.7.1 Compaction and testing** - Compaction of subgrade and base courses shall conform to the applicable sections of the latest published edition of the South Carolina Highway Department Standard Specifications for Highway Construction. A maximum of one (1) nuclear compaction test shall be conducted per 0.1 mile of road for all subbase (10 tests per mile of road). These tests will be performed on all areas as directed by the County Engineer. In addition, a loaded tandem roll test of the subbase will also be performed. A loaded tandem roll test will also be performed upon setup of the base material prior to paving the road. Any substandard materials will be replaced and retested as directed by the County Engineer. Upon completion of a road, all fills shall be protected by either seeding or rip-rap. All fills of two and a half to one (2 ½: 1) or steeper shall be protected by rip-rap. Shoulders and other disturbed soil along the entire cleared area of the right-of-way shall be seeded in such a manner as to ensure uniform sod.

**6.8.7.2 Inspections** - A minimum of two (2) business days notice shall be given for any required inspection. By failure to provide inspection with due notice, the County will be deemed to have waived the inspection requirement for the specific inspection requested. If work is done prior to inspection or without the required notice, it is done so at the Contractor's and Owner's own risk and may, upon decision of the County Engineer or designee, be required to be removed and redone or have the quality substantiated by any tests deemed necessary. Inspections will be required for the following:

- (1) at the completion of clearing and grubbing operations;
- (2) at the completion of rough grading;
- (3) at the completion of subgrade (all required test results will be reviewed at this time);
- (4) after installation and compaction of base course;
- (5) during final pavement applications;
- (6) final acceptance inspection.

**6.8.7.3 Financial Responsibility for Maintenance** - Following acceptance for maintenance by Oconee County of any road, the developer/owner shall be financially responsible for all maintenance necessary due to deficiencies resulting from initial construction for a period of ~~one (1)~~ **three (3) years**. In order to facilitate the acceptance process, once a road has been substantially completed the developer/owner may request a written punch list from the County Engineer. The punch list will note the items that must be completed prior to acceptance of the road by Oconee County.

**6.8.7.4 Contracts** - Notwithstanding any other provision of this section, the owner/developer may utilize an independent contractor to perform road work. In such case, the owner/developer shall be fully responsible for such paving contractor for the work performed by the contractor on said roads. Recognizing that from time to time Oconee County may subcontract road work to private firms, the business or individuals and the owner/developer may, upon application to the **County Engineer**, be included in a general contract covering the particular roads as well as other road work projects. In such case the contractor shall look to the owner/developer for payment for all work performed.

**6.8.7.5 Financial Liability** - All costs including but not limited to the full cost of the crushed gravel aggregates, including transportation and spreading thereof; the full cost of labor, materials and equipment for surface treatment; the full cost of pipe culverts and/or bridges and installation thereof; seeding and/or rip-rapping; the full cost of providing Oconee County with required deeds of right-of-way and plats shall be borne by the owner/developer. Oconee County shall not assess any fee to perform inspections required by this ordinance.

- 6.8.8 Half Roads** - Half roads are prohibited. Whenever a road is planned adjacent to the proposed subdivision tract boundary, the entire road right-of-way shall be platted.
- 6.8.9 Road Swales and Channels** - All roadway ditches and channels shall be designed to contain, at minimum, a peak flow from a twenty five (25) year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a twenty five (25) year frequency storm shall not exceed the permissible velocities for the type of lining used. Rip rap shall be placed for stops in road drainage swales as instructed by the County Engineer. Swales shall be stabilized against erosion by grassing with a mixture of Rye and Bermuda grass, or the appropriate grass for the season. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.



**6.8.10 Road Maintenance Signs** - Where subdivision roads are not to be dedicated to the State or County for public maintenance, the subdivider shall install and maintain signs at the beginning of the private subdivision roads which state "This Road Is Not Maintained By Oconee County."

**6.8.11 Roadside Drainage** - Roads may be constructed with drainage swales and six (6) foot wide shoulders at a twelve to one (12:1) slope; provided road grade does not exceed 6 percent. Where road grade exceeds ten percent (10%), curb and gutter, paved drainage swales, or rip rap swales shall be provided. Curb and gutter may be roll-type or standard 90 degree curbs.

**6.8.12 Temperature and weather restrictions on asphalt paving work** -

(a) No bituminous surfacing work shall be performed on wet surface, or when the temperature is below 40 degrees Fahrenheit in the shade and falling or below 35 degrees Fahrenheit in the shade and rising, or when weather conditions are otherwise unfavorable. Unless approved in writing by the County Engineer, no surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be begun before March 15 of each year. Unless approved in writing by the County Engineer, surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be done after October 15.

(b) The mixture shall be delivered to the spreader at a temperature between 225 degrees Fahrenheit and 325 degrees Fahrenheit and, except for sand asphalt mixture for base course construction, within 30 degrees Fahrenheit of the temperature set at the plant.

**6.8.13 Drainage Structures** -

(a) Crossline pipes shall be designed to carry runoff from a 25 year - 24 hour storm and shall be RCP Class III concrete. The design shall be determined using runoff data sources and standard methods approved by the County Engineer. In no event shall a culvert less than eighteen (18) inches in diameter be accepted by the County.

(b) Concrete culverts must conform to South Carolina Highway Department requirements. HDPE, double wall plastic pipe or an approved equivalent shall be accepted where sufficient fill over the pipe is provided. No metal pipes shall be accepted.

(c) Unless approved by the County Engineer prior to construction, all pipes shall be laid in a trench. All trenches shall be excavated so as to allow for safe and proper installation. All backfill work shall comply with

standards specified by the pipe manufacturer; however, in no case shall backfill covering a culvert be less than ten (10) inches deep (pavement and/or base thickness shall not be considered part of this required minimum depth.) All fill shall be compacted to 98% of standard proctor test in the top foot of fill.

(d) The jointing of sections of culvert shall be done in a workmanlike manner in accordance with the standard practice recommended by the manufacturer of the culvert being used.

(e) The ends of all pipe culverts shall be properly protected to prevent piping, erosion and scour. Placement of filter fabric and rip-rap shall be considered minimum treatment. End treatments shall be approved by the County Engineer and shown on the plans.

(f) All crossline drainage culverts shall be located in natural drainage areas or depressions, and shall terminate in a dedicated drainage easement no less than twenty (20) feet wide.

(g) Junction boxes of an approved type will be constructed at all points where the line of pipe changes course or direction ten (10) degrees or more and at proper intervals along the line of pipe.

(h) A means of access to inlet and outlet points of drainage structures and appurtenances must be provided and shown on the plans. Oconee County shall not be held liable for flood damage outside recorded drainage easements.

(i) Exits for surface water in sideline ditches shall comply with the standards put forth in the following Table:

Table – SURFACE WATER EXIT INTERVALS

<u>ROAD GRADE</u>	<u>MAXIMUM EXIT INTERVAL</u>
<u>0-2%</u>	<u>800 FEET</u>
<u>2.1-4%</u>	<u>700 FEET</u>
<u>4.1-6%</u>	<u>600 FEET</u>
<u>6.1-8%</u>	<u>500 FEET</u>
<u>8.1-10%</u>	<u>400 FEET</u>
<u>10.1-12%</u>	<u>300 FEET</u>
<u>MORE THAN 12%</u>	<u>200 FEET</u>

6.8.14 Sidewalks - When a subdivision plans on placing sidewalks within a subdivision, the location and widths of the sidewalks shall be shown on any and all plats. Sidewalks dimensions and construction shall meet all requirements for sidewalks contained in the SCDOT Highway Construction

Manual. Sidewalks shall not be located within the road right-of-way. Oconee County shall not accept any road into the County road system that contains a sidewalk within the road right-of-way, unless said road is specifically accepted by the Oconee County Council.

## 6.9 COMMERCIAL AND INDUSTRIAL ROADS AND STREETS AND PARKING AREAS

In addition to residential road requirements put forth in Sections 6.7 and 6.8, the following standards shall be adhered to for commercial and industrial roads.

**6.9.1 Rights-of-ways and road widths** - The following rights-of-way and road widths are established:

- (1) *Right-of-Way*: Minimum width is sixty six (66) feet.
- (2) *Roadway Width*: Width is twenty four (24) feet with twelve (12) foot lanes plus two (2) foot valley gutters or six (6) inch curbing on each side.

### **6.9.2 Grades-**

(a) The minimum grade shall not be less than one percent (1%) and the maximum shall not be more than seven percent (7%).

(b) All proposed street grades, when intersecting an existing street or highway, shall be constructed so as to meet the same horizontal grade at the existing intersection and shall have an elevation for a distance of thirty (30) feet equal to the curb line grade of the existing street to which the proposed connection is being made. All proposed street connections to existing streets or highways having existing sidewalks crossing their intersection alignment shall be constructed by removal of the sidewalk to the new proposed curb radii. This requirement may be reduced by the County Engineer at his discretion, under special conditions.

**6.9.3 Horizontal (circular) curves** - Where a deflection angle of more than five (5) degrees in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of the proposed street right-of-way shall not be less than two hundred fifty (250) feet.

**6.9.4 Vertical (crest-sag) curves** - Changes in vertical grade shall be connected by vertical curves of minimum length equal to twenty five (25) times the

sum of both approaching grades stated in percent of grade. Example: a 5% slope upward meeting a 4% slope downward requires a curve length of  $9 \times 25 = 225$  feet.

#### **6.9.5 Intersecting roads and road offsets**

(a) *Intersecting roads.* Industrial/commercial roads shall be laid out so as to intersect as nearly as possible at right angles and no road shall intersect any other road at an angle less than eighty (80) degrees.

(b) *Road Offsets.* Where there is an offset in the alignment of a road across an intersection, the offset of the centerline shall be not less than two hundred (200) feet. Under special conditions, the County Engineer may reduce this requirement.

**6.9.6 Cul-de-sacs** - A circular right-of-way radius of sixty (60) feet and paved turning circle of one hundred (100) feet in diameter is required.

#### **6.9.7 Temperature and weather restrictions on asphalt paving work -**

(a) No bituminous surfacing work shall be performed on wet surface, or when the temperature is below 40 degrees Fahrenheit in the shade and falling or below 35 degrees Fahrenheit in the shade and rising, or when weather conditions are otherwise unfavorable. Unless approved in writing by the County Engineer, no surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be begun before March 15 of each year. Unless approved in writing by the County Engineer, no tar and gravel surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be done after September 15; and no hot mix surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be done after October 15.

(b) The mixture shall be delivered to the spreader at a temperature between 225 degrees Fahrenheit and 325 degrees Fahrenheit and, except for sand asphalt mixture for base course construction, within 30 degrees Fahrenheit of the temperature set at the plant. Unless approved in writing by the County Engineer, no surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be begun before March 15 of each year. Unless approved in writing by the County Engineer, no tar and gravel surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be done after September 15; and no hot mix surface treatment of a road planned by the owner/developer for acceptance into the County Road System shall be done after October 15.

#### **6.9.8 Landscaping for Parking Areas**



Peninsula or island type vegetated areas shall be provided for any open vehicular use area containing more than twenty (20) public parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and directions. The minimum requirement for landscaped areas is fifteen percent (15%) of the total parking area.

6.10

**ACCEPTANCE OF ROADS INTO COUNTY ROAD SYSTEM**

The following provisions shall apply to the construction of any road intended for future acceptance into the County Road System.

- A. No road shall be accepted by Oconee County for maintenance and incorporated within the Oconee County Road System unless the same be shown and delineated upon a plat of survey duly recorded in the office of the Oconee County Register of Deeds.
- B. A construction plan with sufficient detail, including a cross section of the proposed road, shall be submitted to the County Engineer prior to commencement of construction. No construction shall commence unless plan has been approved by the County Engineer.
- C. A deed granting a right-of-way as specified in Section 6.8 of this ordinance shall be tendered to Oconee County by the property owner/developer before a road shall be accepted into the County Road System. All rights-of-way shall contain a permanent drainage easement for all water runoff from the road right-of-way as deemed necessary by the County Engineer. It shall be the responsibility of the owner/developer to acquire any necessary drainage easements from private landowners. Upon acceptance of such deed or right-of-way by the county, the owner/developer shall be notified in writing of the fact of such acceptance, and the same writing shall constitute an agreement on the part of the county to maintain and incorporate the said road into its system. The Oconee County Council shall accept or deny the proffered deed or right-of-way for the County upon receipt of certification by the County Engineer that said road has been constructed in accordance with the regulations set forth in this Ordinance.
- D. Prior to acceptance by Oconee County for maintenance and incorporation within the Oconee County Road System, all roads shall meet all road construction standards set forth in this ordinance.
- E. No road shall be accepted into the Oconee County Road System until the surface is treated in a manner and using such materials as approved by the Oconee County Engineer. The County Engineer shall furnish specification requirements upon request. The County Engineer shall be notified by the developer/owner prior to the commencement of any construction, and shall be given periodic progress reports and periodic inspection reports as specified by the County Engineer. Such progress and inspected reports are to include notification of the ending and planned commencement of construction intervals or phases. The

County Engineer shall certify in writing to County Council that the road to be accepted into the Oconee County Road System has been constructed in accordance with the regulations set forth in this Ordinance. A copy of the certification shall be sent to the County Administrator.

F. The County may accept a road as a County Road through the creation of a special tax district, a legislatively created administrative division of the county whereby resident freeholders fund, through the collection of uniform fees included on the annual property tax bill, upgrades to existing private roads in order for such roads to meet the standards of and for the purpose of acceptance into the county road system.

H. No expenditures of any public funds shall be made on any road or right-of-way which has not been accepted as a County road.

#### 6.11 VARIANCE FROM ROAD STANDARDS

Any variance from these road standards shall be consistent with the intent of this ordinance, and shall be approved in writing by the County Planning Commission.

#### 6.12 DRAINAGE AND STORM WATER

**6.12.1 General Requirements** – In most cases the land disturbance permit required by DHEC will have considered the information needed for compliance with this section. However, Oconee County will review the information to ensure that all storm water runoff will be removed from proposed developments in perpetually maintained drainage systems designed to avoid damage to personal property. The Planning Director shall not approve any plat of subdivision which fails to make adequate provision for storm or flood water runoff channels or basins. Storm water drainage systems shall be separate and independent of any sanitary sewer system. Inlets shall be provided so that surface water is not carried across or around any road intersection except where routing around of small volumes is approved in writing by the County Engineer.

**6.12.2 Nature of Storm Water Facilities** - The applicant may be required by the Planning Department or County Engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with accepted engineering standards and specifications as approved by the County Engineer. All swales, ditches, or other



open drainage shall be constructed and established against erosion as approved by the County Engineer.

- 6.12.3. Accommodation of Upstream Drainage Areas** - The owner's engineer shall determine, certify, and design drainage facilities that are large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.
- 6.12.4 Effect on Downstream Drainage Areas** - The Owner's Engineer shall study and provide the Planning Director and County Engineer with sufficient data proving that there are no adverse impacts on existing downstream drainage facilities outside the area of the subdivision. Where it is determined that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Director may withhold approval of the subdivision until provision has been made for the improvement of said potential condition.
- 6.12.5 Areas of Poor Drainage** - Whenever a plat is submitted for an area subject to inundation by a one hundred (100) year frequency flood, the Planning Director may approve such subdivisions provided that the applicant fills the affected area according to a method proposed and certified to by the Owner's Engineer so as to provide a building site on all lots which is at least one (1) foot above the one hundred (100) year frequency flood level. The plat of the subdivision shall provide for an overflow zone along any stream or watercourse in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone shall be subject to the approval of the County Assessors Office. In no case, however, shall the Planning Director or County Engineer permit filling a portion of, or impeding the water's flow in, the floodway of any watercourse.
- 6.12.6 Floodplain Areas** - Floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material, or stumps, unless explicitly permitted by DHEC.
- 6.12.7 Drainage Easement**
- a. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose and to accommodate maintenance equipment and activities. Wherever possible, it is desirable that the drainage be maintained by an

open channel with landscaped banks and adequate width for maximum potential volume of flow. The Planning Department will review the information required by the DHEC land disturbance permit to ensure the intentions of 6.12 are met.

- b. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least ten (10) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other approved or adequate drainage facilities.
- c. When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- d. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways except where improvements such as grassing, walkway, and playground areas are specifically approved by the Planning Director.

## **6.13 WATER FACILITIES**

### **6.13.1 General Requirements**

- a. Where a public water main is within one thousand (1000) feet of a subdivision boundary, the developer shall connect thereto and install adequate central water facilities. Where the accessible public main is six (6) inches or greater in diameter, distribution lines shall be at least six (6) inches in diameter. In the event that the water supplier certifies the existence of insufficient water pressure to provide service to six (6) inch distribution lines to the site, the Planning Director shall permit appropriate reductions in the diameter of distribution lines. In cases along permanent cul-de-sacs or circles less than one thousand (1000) feet in length, a minimum diameter of two and one-half (2 ½) inches is permitted. In the event that the water supplier certifies the existence of insufficient water pressure to provide service to two and one-half (2 ½) inch distribution lines to the site, the Planning Director shall permit appropriate reductions in distribution lines. All lines must be approved by the appropriate utility entity.
- b. Water distribution systems shall be approved by the designated utility entity and the appropriate division of DHEC.

- c. The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.
- d. All utility lines shall be located outside of road surface areas at the edge of the rights-of-way and shall be buried at a depth of at least thirty six (36) inches.

**6.13.2 Individual Wells and Central Water Systems** - If a public water system is not available, wells may be used or a package central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Central water systems shall be approved by the appropriate division of DHEC. Orders of approval shall be submitted to the Planning Department and County Engineer.

**6.13.3 Fire Hydrants** - Fire hydrants shall be required for all subdivisions except where individual wells are used or a water main of less than six (6) inch diameter is permitted. Fire hydrants shall be located as defined in the adopted fire code and shall be approved by the applicable fire protection entity. To avoid future road cutting, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed and approved before any final paving of a road shown on the subdivision plat.

#### **6.14 WASTEWATER FACILITIES**

- a. Where a public sanitary sewerage system is reasonably accessible and available, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the road.
- b. Sanitary sewer shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and all design standards and specifications of the appropriate DHEC division.
- c. Where public sanitary sewerage systems are not reasonably accessible or available, package, central or individual waste collection/treatment systems may be provided. These systems must be approved by the appropriate division of DHEC prior to approval of any preliminary subdivision plan.

## 6.15 NONRESIDENTIAL SUBDIVISIONS

a. General - If a proposed subdivision includes land that is proposed for commercial, industrial or other nonresidential purposes, the layout of the subdivision shall incorporate such provisions and facilities as the Planning Commission may require based on case by case consideration of nature, type, and mix of anticipated development.

b. Standards - In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the road, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed nonresidential parcels shall be suitable in area and dimensions to the types of industrial/commercial development anticipated.
2. Road rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
3. Special requirements may be imposed by the county government with respect to road, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the county government with respect to the installation of public utilities, including, water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
6. Roads carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

## 6.16 SECURITY IN LIEU OF COMPLETION OF IMPROVEMENT



In lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, Oconee County may accept a financial guarantee in the form of cash, bond, or escrow letter of credit with an approved financial institution in an amount and with conditions satisfactory to it, securing to the County the actual construction and installation of such improvements and utilities within a period specified by the County Engineer.

A. If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, he may file a *performance or surety bond* executed by a surety company licensed to do business in the State of South Carolina, in an amount equal to one hundred twenty five percent (125%) of the owner's engineer (and verified by the County Engineer) estimated cost to complete the improvements. The bond shall guarantee the completion of all improvements within a time prescribed by the Planning Director.

B. If the subdivider wishes to have a final plat approved prior to the installation, inspection and approval of all required improvements, he may establish an *escrow account* with the County into which the subdivider shall place, prior to the sale of any lot in the subdivision, an amount equal to one hundred twenty five percent (125%) of the owner's engineer (verified by the County Engineer) estimated cost to complete the improvements. Funds in such escrow account shall be returned to the subdivider as work is completed on the improvements. The subdivider shall complete all improvements within time limits prescribed by the County Engineer. The final determination for returning the escrowed money to the developer rests with the County Engineer.

C. In the event that required improvements are not completed, inspected and approved within the required time, the County may expend escrowed funds, securities, or performance bond funds to complete the required improvements. The Planning Director may also at his discretion withhold building permits or occupancy permits in such subdivision until such improvements are completed. In which case, it shall then be unlawful to sell any further lots in the subdivision until all improvements are completed. No occupancy permits shall be issued within the subdivision, unless street improvements are at least adequate for vehicular access by the prospective occupant(s) and by the police and fire equipment.

D. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the County Engineer for the subdivision have been fully completed and the County has accepted the developer's offer(s) to dedicate the improvements. Additionally, the developer must submit all as-built drawings at this time.

E. The developer shall be required to maintain all required public improvements on the individual subdivided lots, if required by the Planning Director, until acceptance of the improvements by the appropriate utility or government entity. If there are any certificates of occupancy on a street not dedicated to the County, the County may on twelve (12) hours notice effect emergency repairs and charge those costs to the developer. Following the acceptance of a road by the County Council, the Council may in its sole discretion require the subdivider to maintain the improvement for a period of three (3) years from the date of the acceptance.

F. Surety bonds will be returned to the developer following delivery of all as-built drawings to the County Engineer, and after acceptance of all improvements by the County.

## **6.17 PLAT REQUIREMENTS**

### **6.17.1 Sketch Plan**

(1) The Sketch Plan shall be drawn at an approximate scale of not less than a scale of two hundred (200) feet to one inch and shall include a Vicinity Map at a scale of not less than two (2) miles to one (1) inch showing the relationship of the proposed subdivision to the surrounding areas.

(2) All Sketch Plan Submittals shall include the following in sketch or narrative form:

- a. An accounting of total acreage in the tract to be divided and number of lots proposed;
- b. Arrangement, shape, dimensions, and area of proposed lots;
- c. Location of existing property lines, easements, road right-of-ways, buildings, or other public ways adjoining the tract to be subdivided;
- d. Alignment, right-of-way width, and clarification of proposed roads;



- e. Topography by contour at intervals of not more than twenty feet (as from USGS quad sheets);
- f. Map scale, north arrow, and date;
- g. Name/address/telephone number of legal owner or agent and the professional (surveyor or engineer) who will undertake detailed subdivision layout and improvements design;
- h. Location of water courses and land subject to flooding based on a one hundred (100) year frequency flood. Owner's surveyor shall indicate if property is or is not in a floodplain;
- i. The existing and proposed uses of land throughout the subdivision;
- j. Proposed method of water supply and wastewater treatment and other utility service;
- k. The proposed name of the subdivision.

6.17.2 A subdivider shall submit a Sketch Plan of this entire tract even though the subdivider's present plans call for the actual development of only a part of the property.

6.17.3 Prior to sketch plan submittal, the subdivider is encouraged to interact with the County Soil and Water Conservation District to obtain soil survey information and written site evaluation comments to be included as part of the sketch plan submittal.

## **6.18. PRELIMINARY PLAN AND SUPPORTING DATA**

6.18.1 The preliminary plan shall be drawn at a scale of two hundred (200) feet to one (1) inch or greater, and shall include a vicinity sketch at a scale of not less than one (1) inch – two (2) miles. Sheet sizes should be 8.5" x 11", 8.5" x 14", 11" x 17", 18" x 24", or 24" x 36". This map and supporting data shall be prepared according to standards put forth in Section 2.4.4 and Section 2.15 of these regulations, and shall contain the following sections: *General, Existing Conditions and Proposed Conditions*.

### **6.18.2 General**

- a. The proposed name of the subdivision, name/address/telephone of owner and/or subdivider, and name/address/telephone of surveyor and/or engineer.
- b. A graphic scale, north arrow and date (north arrow shall be identified as magnetic, true, or grid).
- c. The acreage to be subdivided.
- d. The boundaries of the tract to be subdivided with all bearings and distances indicated.

### 6.18.3 Existing Conditions

- a. Certification from the County Planner that the proposed use is in conformance with the Oconee County Performance Standards Ordinance.
- b. Deed record names of adjoining property owners or subdivisions.
- c. Location of streams, lakes, and land subject to one hundred (100) year flood on or adjoining the property to be subdivided.
- d. Location of adjoining property lines and existing buildings on the property to be subdivided.
- e. Location and right-of-way of roads, railroads, and utility lines either on or adjoining the property to be subdivided.
- f. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the road or within the right-of-way of roads or roads adjoining the tract unless same are clearly shown on construction plans required under Section 6.17.
- g. The acreage of each drainage area affecting the proposed subdivision.
- h. Topography by contour, using USGS Quad maps.
- i. Elevations shall refer to Mean Sea Level Datum.
- j. Location of city and county lines, if applicable, and a statement identifying the location of the nearest central water and sewer lines and fire department and the distance from same to the tract being subdivided.

#### 6.18.4 Proposed Conditions

- d. Layout of roads, public crosswalks, road names or designations, grades, and cross sections.
- e. Profile of proposed roads showing natural and finished grades.
- e. Layout of all lots, including area; building setback lines, scaled dimensions of lots; lot and block numbers, utility easements with width and use.
- d. Where individual septic waste disposal is proposed, a preliminary letter of approval from the appropriate division of DHEC.
- e. Construction Plan of sanitary sewers (if applicable) with grade, pipe size, and location and permit to construct from DHEC and approval of the appropriate utility provider.
- f. Storm sewers shall be sized to accommodate runoff based upon the previous twenty-five (25) years of rainfall frequency.
- g. Construction Plan for water supply system (if applicable) with pipe size and location of hydrants and valves and permit to construct from DHEC and, where applicable, approval of the appropriate utility provider.
- n. Designation of all land to be reserved or dedicated for public use.
- i. Designation of proposed use of all lots.
- j. Proposed major contour changes in areas where substantial cut and/or fill is to be done.
- k. Total number of lots, total acreage, total length of new roads.  
NOTE: See Section 2.4 for survey requirements.

#### 6.19 FINAL PLAT

If the Final Plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. Final Plats shall be drawn at a scale of no less than one hundred (100) feet to one (1) inch; shall be drawn on sheets 8.5" x 11", 8.5" x 14", 11" x 17", 18" x 24", or 24" x 36"; shall be prepared according to standards of Section 2.4.4 hereof, and shall contain the following specific information.

- a. Name of owner of record.
- b. Name of subdivision and identification number assigned, date, north arrow, and graphic scale.
- c. Name, registration number, and seal of registered surveyor.
- d. Sufficient surveying data to determine readily and reproduce accurately on the ground the location, bearing, and length of every road line, lot line, easement, boundary line, and building line whether curved or straight. Curve boundaries will be defined by curve data to include the radius, delta angle, total area, length and the long chord by bearing and distance and shall also be defined as a traverse of chords around the curve using bearings and distance.
- e. Names of owners of record of all adjoining land, all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form a boundary line of the tract being subdivided.
- f. Exact boundaries of the tract of land being subdivided as noted in the survey article of this Ordinance.
- g. Roads, rights-of-way, percent of grades and road names. Steel or iron rods at least twenty inches long and one half inch in diameter shall be placed at all lot corners and at all other survey points not marked by permanent monuments. Property lines extending to road centerlines shall be marked by an iron stake on an offset with location clearly shown on the plat and selected so corners lie on a line of survey or a prolongation of such lines.
- h. Rights-of-way or easement, location, widths, and purposes.
- i. Lot lines, minimum building setback lines, and lot and block indicators.
- j. Any parks, school sites, or other public spaces.
- k. All dimensions shall be to the nearest one hundredth (1/100) of a foot and angles to the nearest twenty (20) seconds.
- l. Accurate description of the location of all monuments and markers.
- m. Utility easements, showing the widths of the following: (1) water, (2) gas, (3) sanitary sewer, (4) storm drainage, and (5) electrical line.
- n. Where individual septic waste disposal is proposed, a letter of final subdivision approval from the appropriate division of DHEC identifying

each lot for which individual waste disposal is approved. Areas or lots not so approved shall not be included on the final plat unless restricted to prohibit construction of building space thereon by such notation as "reserved exclusively for open space", etc.

6. The following certificates shall appear on the Final Plat which is submitted to the Planning Commission by the subdivider:

(1) Certificate of Accuracy (signed when submitted)

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Deane County Land Development and Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

\_\_\_\_\_, 19\_\_\_\_

Registration No: \_\_\_\_\_  
Registered Land Surveyor

(2) Certificate of Ownership and Dedication (signed when submitted)

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

(3) Certificates of Construction (one or both as applicable/signed when submitted)

I hereby certify that the roads and drainage system, in \_\_\_\_\_ Subdivision as shown on Plat dated \_\_\_\_\_, prepared by \_\_\_\_\_, have been installed substantially in accordance with the Preliminary Plan (Construction Drawings) approved \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Registered Engineer or Surveyor

I hereby certify that central ( ) water ( ) sewer systems in \_\_\_\_\_ Subdivision as shown on Plat dated \_\_\_\_\_, prepared by \_\_\_\_\_, have been installed in accordance with the Preliminary Plat (Constructed drawings) approved \_\_\_\_\_.

SEAL

\_\_\_\_\_  
Registered Engineer or Surveyor

(4) Certificate of Approval (to be signed upon approval)

The subdivision plat hereon has been found to comply with the Deance County Land Development Regulations and has been approved for recording in the office of the Clerk of Court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Director

- p. Where the improvements required in Chapter 6 have not been completed prior to the submission of the Final Plat for approval, approval of the plat shall be subject to the owner filing a Performance Guarantee in the form of cash and/or surety with the County Engineer as per Section 6.15.
- q. A DHEC approved land disturbance plan.



## 6.20 SUBDIVISION APPROVAL PROCEDURES

### 6.20.1 Sketch Plan Review

6.20.1.1 A subdivider shall submit sketch plan copies and application forms in quantities specified by the Planning Director. The Planning Director shall obtain input from the County Engineer and affected agencies and shall provide comments in the form of a composite list to the subdivider within fifteen (15) working days of sketch plan submitted.

6.20.1.2 If the subdivider disagrees with comments provided, the subdivider may request review by the Planning Commission provided the Planning Director is notified in writing of such request at least five (5) working days prior to any regular Commission meeting. If Commission review is not requested, then changes necessary to accommodate sketch plan comments shall be a condition precedent to acceptance of a preliminary plat submitted.

6.20.1.3 In reviewing a sketch plan and sketch plan comments, the Planning Commission may affirm such comments or modify them to the extent as such modifications do not depart from the provisions of these adopted regulations.

### 6.20.2 Preliminary Plan (Required)

6.20.2.1 **Submittal** - A subdivider shall apply for preliminary plan approval on forms specified by the Planning Director. Applications shall be accompanied by six (6) copies of the preliminary plan and other required exhibits in amounts required by the Planning Director, along with the application fee established by County Council.

6.20.2.2 **Distribution** - The Planning Director shall distribute copies to at least the following agencies for input unless written approval by such agency accompanies the application.

- a. Soil and Water Conservation Office
- b. Appropriate division of DHEC
- c. Appropriate public service district or city as applicable
- d. County Public Works Department
- e. Appropriate fire protection entity
- f. County Engineer
- g. Oconee County Sewer Commission
- h. Oconee County School District

**6.20.2.3 Deadlines** - In an effort to achieve balance between the need for thorough review and timely response, the following deadlines are required.

- a. Agencies and departments shall provide written comments to the Planning Director within fifteen (15) working days of the date of the preliminary plan application.
- b. The Planning Director shall render a decision within twenty five (25) working days of the date of preliminary plan application. The Planning Director's action and reasons therefore shall be transmitted in writing to the subdivider.

**6.20.2.4 Appeal** - A subdivider, or other party materially affected by the Planning Director's decision, may appeal for review by the Planning Commission. Such appeal shall detail the reasons therefore, and be made in writing within ten (10) working days of the Planning Director's action. The Planning Commission shall conduct a hearing within thirty (30) days of the date of the Planning Director's action. Affected parties shall be notified in writing of the Planning Commission's determination. The Planning Commission's decision may be appealed to the Circuit Court within thirty (30) days after the actual notice of the Commission's decision.

**6.20.2.5 Effect of Action** - If a plan is approved subject to conditions, the subdivider shall submit plan exhibits amended to incorporate such conditions within twenty (20) working days of such approval. Preliminary plat approval shall be effective for one (1) year provided the Commission may extend same for up to one (1) additional year upon written request from the subdivider. It shall be unlawful for construction to commence prior to final approval of the plan.

**6.20.2.6 Variance** - Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this chapter, it may approve variances to these land development/subdivision regulations. Variances shall only be decided by the Planning Commission pursuant to *Section 1.5.5(3)* of this ordinance, *General Criteria for Granting a Variance*. Applications for a variance shall be submitted through the Planning Director to the Planning Commission no later than five (5) days before the next scheduled regular meeting of the Planning Commission and shall

be scheduled for hearing at that meeting or as early as is practicable for the Commission and applicant. Administrative and/or advertising fees as established by County Council shall accompany each application.

## **6.21 FINAL PLAT (REQUIRED)**

**6.21.1 Submittal** - A subdivider shall apply for final plat approval on forms specified by the Planning Director. Application shall be accompanied by a reproducible version of the final plat meeting requirements of Section 6.18 and in substantial conformance with the approved preliminary plat. Final plat application may include all or any logical part of a subdivision for which preliminary approval was granted, provided all required improvements have been installed and certified to, or the application is accompanied by required performance guarantee in lieu of actual installation.

**6.21.2 Review** - Upon a determination that the final plat application is completed, the Planning Director shall render a written approval or rejection. Said decision shall be made within thirty (30) working days of application submittal.

**6.21.3 Appeal** - A subdivider or any party materially affected by the Planning Director's decision may appeal to the Planning Commission in writing within ten (10) working days of said decision. The Commission shall schedule a hearing, conduct said hearing, and render a decision within sixty (60) days of the date of appeal. The decision of the Commission is final. The decision of the Commission may be appealed to the Circuit Court within thirty (30) days after the actual notice of the Commission's decision.

**6.21.4 Recordation of Plat** - The Planning Director's approval of a final plat is contingent on submission of four (4) original stamped copies of the plat to the Oxnee County Register of Deeds, and recordation of the plat by the Register of Deeds within fifteen (15) days after the approval date. An authorized copy of the recorded plat shall be submitted to the Planning Director.

## **6.22 MINOR SUBDIVISION APPROVAL PROCEDURES**

### **6.22.1 Application Review**

Because a minor subdivision, as defined in Section 6.3(21), does not involve any new public road, the Planning Director may approve a minor subdivision

after reviewing a final plat. The following procedures shall constitute a minor subdivision final plat review:

**A) GENERAL.** No lot proposed to be created through the minor subdivision of a parcel shall be sold or advertised for sale until a final plat showing the subdivision has been approved by the Planning Director as complying with all applicable provisions of this Ordinance, and has been recorded with the Oconee County Register of Deeds.

**B) PROCEDURES FOR REVIEWING APPLICATIONS FOR FINAL PLAT APPROVAL**

**(1) Pre-Application Conference**

A person intending to submit an application for final plat approval for a minor subdivision is strongly encouraged to confer with the Planning Director before submitting the application. At such conference the Planning Director shall explain requirements applicable to the application and shall identify potential conflicts with applicable standards.

**(2) Application Submittal and Acceptance**

**(a) Submittal**

A person seeking approval of a final plat for a minor subdivision shall submit an application for minor subdivision final plat approval (or a written property description in the case of family land transfers) to the Planning Director. The application shall include, with sufficient copies for necessary referrals and records, those forms, maps, plans, and other documents prescribed by the Planning Commission as necessary to identify the applicant and owner(s) of the parcel proposed to be subdivided, confirm the owner's authorization for submittal of the application, depict the nature and scope of the proposed subdivision and any associated development, identify and depict the boundaries and area of all proposed lots and other parcels, identify and depict the boundaries of all existing and proposed rights-of-way and easements, effect proposed dedications and restrictions, and show how the subdivision complies with all applicable provisions of this Ordinance and all applicable requirements for recording set forth in the South Carolina Code of Laws. The Planning Director may waive in writing any submittal requirements deemed unnecessary for compliance with applicable regulations. The applicant shall also submit the fee prescribed for the type of application by County Council.

**(b) Acceptance of Application**

The Planning Director shall review a submitted application and determine whether it complies with submittal requirements. If the application does not comply with submittal requirements, the Planning Director shall notify the applicant of the submittal deficiencies in writing and invite the applicant to revise the application to correct the deficiencies. If or when the application complies with all submittal requirements, the Planning Director shall accept the application as complete and timely notify the applicant of its acceptance.

### **(3) Application Review**

#### **(a) Initial Staff Review**

After accepting an application as complete, the Planning Director shall review the application, determine whether the final plat complies with all applicable regulations, identify any noncompliant features of the plat, and, whenever feasible, suggest modifications to correct the noncompliant features. The Planning Director shall notify the applicant of the identified noncompliant features and suggested modifications, and invite the applicant to discuss and review comments.

#### **(b) Opportunity to Revise Application**

Following receipt of the review comments and any discussions thereof with the Planning Director, the applicant shall either: (i) ask the Planning Director to take action on the application as submitted; or (ii) notify the Planning Director of an intent to revise the application to address comments and submit a revised application to the Planning Director. If the Planning Director receives no response within five (5) business days after notifying the applicant of the application's noncompliant features, he or she shall presume that the applicant asks that the Planning Director take action on the application as submitted.

If the applicant submits a revised application, the Planning Director shall determine whether it continues to comply with submittal requirements. On accepting a revised application as complete, the Planning Director review it for correction of previously identified noncompliant features.

### **(4) Staff Action**



Following the applicant's request for action on the original application, or review of a revised application, the Planning Director shall review the application, and, based on findings as to the application's compliance with all applicable provisions of this Ordinance, decide in writing to approve the application as submitted or deny the application.

**(5) Withdrawal of Application**

An applicant may withdraw an application for minor subdivision record plat approval at any time by submitting written notice of the withdrawal to the Planning Director.

**(6) Timely Review of Applications**

The Planning Director shall make every reasonable effort to process, review, and decide applications for minor subdivision record plat approval within five (5) working days, consistent with the need to fully consider the proposed plat's compliance with applicable regulations.

**(C) NOTICE OF DECISION**

The Planning Director shall send the applicant written notice of his or her final decision on the application, and shall file a copy of the decision in his or her office. If the application is denied, the notice shall state the reasons for the denial.

**(D) PLAT CERTIFICATIONS**

**Approval**

If the Planning Director approves the application, he or she shall enter the following certification on the approved record plat:

I, \_\_\_\_\_, Planning Director of Oconee County, certify that this plat creates a subdivision subject to and approved in accord with the Oconee County Land Development Regulations, and that it meets all statutory requirements for recording.

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**(E) PLAT RECORDATION**

The Planning Director's approval of a minor subdivision final plat is contingent on submission of four (4) original copies of the plat to the Oconee County Register of Deeds, and recordation of the plat by the Register of Deeds within fifteen (15) days after the approval date. An authorized copy of the recorded plat shall be submitted to the Planning Director.

**(F) APPEAL OF DECISION**

Any person aggrieved by the Planning Director's decision to approve or deny an application for minor subdivision record plat approval may appeal the decision to the Planning Commission in writing within ten (10) working days of said decision. The Commission shall schedule a hearing, conduct said hearing, and render a decision within sixty (60) calendar days of the date of appeal. The decision of the Commission is final. The decision of the Commission may be appealed to the Circuit Court within thirty (30) days after the actual notice of the Commission's decision.

**6.23 VIOLATIONS AND PENALTIES**

- 6.23.1 Violations and Penalties** - Any violation of these regulations shall be a misdemeanor and, upon conviction, is punishable as provided by law.
- 6.23.2 Unapproved subdivision and subsequent transfer or sale of lots** - Any such agreement, negotiated before such plat has been approved by the Oconee County Planning Commission and recorded by the Oconee County Register of Deeds shall be considered a violation of this Ordinance and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. Oconee County may enjoin such transfer or sale or agreement by appropriate action.

**6.24 LEGAL PROVISIONS**

- 6.24.1 Interpretation** - The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

**6.24.2 Conflict With Other Laws, Ordinances, or Regulations** - Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of these regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

**6.24.3 Separability** - Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

**6.24.4 Repeal of Conflicting Ordinances** - All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**6.24.5 Amendments** - The Planning Commission shall hold a public hearing on any proposed amendment to these regulations, notice of time and place shall be given at least thirty (30) days prior to the hearing date. The notice shall be placed in a newspaper of general circulation. Amendments may be adopted by vote of the Oconee County Council.

## Sidewalks

Driveway Aprons – See Section 6.8.7.0

Guardrails –

## Road Signs

All roads in Oconee County that are defined as public roads under this Ordinance shall use green road signs with white letters. All roads in Oconee County that are defined as private roads under this Ordinance shall use \_\_\_\_\_ road signs with white letters.

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: 4/4/06  
COUNCIL MEETING TIME: 3:00pm

**ITEM TITLE OR DESCRIPTION:**

Oconee County Moratorium Ordinance.

**BACKGROUND OR HISTORY:**

Oconee County Council gave first reading to a moratorium ordinance requiring that properties within 1000' one thousand feet of lakes have a riparian buffer of 25' twenty five feet.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The Oconee County Planning Department, County Engineer and County Attorney have proposed amendments to the moratorium ordinance. These amendments involve road safety and the upgrading of roads by a developer if the proposed development creates traffic safety problems or the proposed development requires the upgrading of the road.

**STAFF RECOMMENDATION:**

Recommend that County Council adopt this ordinance on second reading

**FINANCIAL IMPACT:**

NONE

**ATTACHMENTS:**

**Submitted or Prepared By:**



Department Head/Elected Official

**Approved for Submittal to Council:**



Ron H. Rabun, County Administrator

**Reviewed By/ Initials:**

\_\_\_\_\_ County Attorney

\_\_\_\_\_ Finance

\_\_\_\_\_ Other

C: Clerk to Council

OCONEE COUNTY COUNCIL

ORDINANCE NO. 2006-07

AN ORDINANCE IMPOSING A SIX MONTH MORATORIUM ON THE APPROVAL OF SITE PLANS AND/OR BUILDING PERMITS FOR ANY CONSTRUCTION PROJECT WITHIN ONE THOUSAND FEET (1,000') OF LAKES THAT ARE WITHIN OR ADJACENT TO OCONEE COUNTY UNLESS SAID PROJECT INCLUDES A TWENTY-FIVE (25') FOOT RIPARIAN BLFFER AND A SIX MONTH MORATORIUM ON THE APPROVAL OF SITE PLANS AND/OR BUILDING PERMITS FOR ANY SUBDIVISION AS DEFINED IN THIS ORDINANCE THAT WILL RESULT IN THE NEED TO UPGRADE A COUNTY ROAD IN ACCORDANCE WITH THIS ORDINANCE.

Background and findings

Oconee County borders three large lake reservoirs: Lake Jocassee, Lake Keowee and Lake Hartwell and is home to a number of smaller lakes. These lakes provide water supply, recreation, and tourism within Oconee County, and are vital to the economy of Oconee County. Oconee County has been informed that water providers in Oconee County have plans to use and/or expand their use of these lakes for potable water. Construction projects along the shores of these lakes increase the density of the population of people living along these lakes. Construction projects increase the use of septic tanks, storm water run-off, shore erosion, sedimentation, lawn fertilizers and herbicides which can cause irreparable harm to the lakes unless regulations are enacted to protect the lakes.

The County Council finds that it is vital to Oconee County's future to protect these water sources by taking preventative action. Oconee County needs sufficient time to determine how best to protect these vital resources taking into account the interest of various stakeholders and the public interest.

In the year preceding the passage of this Ordinance, the Oconee County Planning Commission and the Oconee County Council have been drafting a new Subdivision and Land Development Ordinance. Included in this proposed Ordinance are a number of regulations dealing with County roads. The proposed Ordinance classifies roads based on average daily traffic counts. The purpose of these classifications are to insure that when subdivisions are created in Oconee County, the road infrastructure will be adequate to safely and efficiently accommodate any increases in traffic. The adequacy of County roads is especially important for the use of emergency vehicles such as fire trucks and ambulances.

For these reasons, the Oconee County Council finds that to protect the health and safety of our current citizens and those future citizens who may move to Oconee County to live in a subdivision, it is necessary to take preventative action. Oconee County needs sufficient time to

promulgate regulations concerning County roads, taking into account the interest of various stakeholders and the public;

NOW THEREFORE, BE IT ORDAINED, that Oconee County Council, duly assembled, with a quorum present and voting, and upon third and final reading as indicated below, the following:

That while the Oconee County Planning Commission and the Oconee County Council study and enact regulations to protect the lakes of Oconee County, there shall be imposed a six (6) month moratorium on the approval of all site plans and/or building permits for any construction project to be located within one thousand feet (1000') of lakes within or adjacent to Oconee County, unless the project includes a twenty-five (25') foot riparian buffer. The riparian buffer may include a view lane of 15% of the total width of the buffer.

That while the Oconee County Planning Commission and the Oconee County Council study and enact regulations on Subdivisions and Land Development, including County roads, there shall be imposed a six (6) month moratorium on the approval of all site plans, subdivision plats and building permits for all subdivisions as defined in this Ordinance unless the developer or subdivision presents a traffic impact/road capacity study to show the impact of traffic upon any County road servicing the subdivision. The traffic impact/road capacity study shall be reviewed by the Oconee County Planning Director and the County Engineer. If the County Planning Director and the County Engineer determine that the subdivision will increase the average daily traffic (ADT) on a County road to the extent that said road will need to be upgraded to safely accommodate the increase in traffic in accordance with the criteria set forth below in this Ordinance, developer/sub-divider shall be responsible for all costs (including right of way acquisition) necessary to upgrade the road. This section of this Ordinance shall not apply to subdivisions whose final plat has been previously approved by Oconee County.

When used in the Ordinance, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

(1) Apartment Complex – A building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.

(2) Average Daily Traffic – The number of vehicles that will be utilizing a road, intersection or other reference point in a twenty four (24) hour period.

(3) Building Permit - A document or certificate issued by Oconee County authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).

(4) Condominium Complex – A building or group of buildings containing more than two dwelling units in which dwelling units are individually owned and where the structure, common



areas and other facilities are owned by the developer and/or the owners of the individual units own a proportional or individual basis.

(5) Dwelling - A building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities.

A. Single Family Dwelling- A detached dwelling designed for or occupied exclusively by one family on a single lot.

B. Duplex- A building arranged or designed to be occupied by two (2) families living independently of each other on a single lot.

C. Group Dwelling- A group of two or more principal structures built on a single lot, parcel or tract of land and designed for occupancy by separate families.

D. Multi-Family Dwelling- A building or series of buildings on the same lot used or designed as a dwelling place for two (2) or more families living independently of each other.

(6) Dwelling Unit - One or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

(7) Planning Commission - The Oconee County Planning Commission and planning staff specifically authorized to carry out certain functions on its behalf.

(8) Plat - A map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.

A. Sketch plan - A simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.

B. Preliminary plat - A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.

C. Final plat - The map of the subdivision to be recorded after approval by the Planning Director and any accompanying material as described in these regulations.

(9) County Road - Roads, avenues, boulevards, roads, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by Oconee County.

A. Arterial Road - A major road that serves as an avenue for circulation into, out of, or around the County. Typical number of average daily traffic (ADT) exceeds 5000.

B. Collector Road - A road that has the primary purpose of intersecting traffic from intersecting local roads and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.

C. Local Road (major) - A road that has two or more access points. The primary purpose is to provide access to abutting properties. Typical number of average daily traffic (ADT) ranges from 401 to 800.

D. Local Road (minor) - A road that has the primary purpose of providing access to abutting properties. Typical number of average daily traffic (ADT) ranges from 0 to 400.

(10) Road Right-of-Way Width - The distance between property lines measured at right angles to the centerline of the street on a platted right-of-way, or the distance on each side of the center line of the road as set forth in a deeded right-of-way.

(11) Subdivider - Any person, firm, corporation, owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this ordinance. See also "Developer".

(12) Subdivision - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record. A subdivision shall include townhouses, condominiums, apartments and multi-family housing.

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

(a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County;

(b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the County Planning Commission which shall indicate that fact on the plats; and

(c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

(13) Townhouse – A building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.

In the event that the Oconee County Planning Director and the County Engineer determine that a County road must be upgraded, the road must be paved in accordance with the standards of Oconee County Ordinance 87-14. The minimum right of way and pavement width shall be as follows:

Road Type	Right-of-Way	Pavement
Arterial	66 feet	28 feet
Collector	50 feet	24 feet
Local (Major)	50 feet	22 feet
Local (Minor)	30 feet	22 feet

If any provision of this Ordinance is held to be invalid, the remaining sections and provisions of this Ordinance shall not be affected thereby and shall remain in full force and effect.

APPROVED on FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
OPAL O. GREEN, COUNCIL CLERK

APPROVED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
OPAL O. GREEN, CLERK

APPROVED on THIRD READING this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
Frank Ables, Chairman

Deonee County Council

Attest:

OPAL O. GREEN, CLERK

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

WORKSHOP MEETING DATE: April 4, 2006

WORKSHOP MEETING TIME: 3 p.m.

**ITEM TITLE OR DESCRIPTION:**

Discussion of draft update to the fee structure of False Alarm Ordinance.

**BACKGROUND OR HISTORY:**

The False Fire Alarm Ordinance was adopted by Council in 2004 (Ordinance #2004-30) to serve as an incentive for fire alarm users to install and maintain reliable fire alarm systems, and to curtail the dispatching of fire equipment and manpower to respond to a non-existent fire. It is a very good tool, but the fine schedule should be periodically updated to make sure that a fine is of a sufficient size to get a violator's attention. Staff has updated the fine schedule for Council consideration.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

If Council approves, or modifies the fine schedule, staff will advertise the ordinance for first reading.

**STAFF RECOMMENDATION:**

Staff recommends Council accept or modify the new False Alarm Fine Schedule and refer new Ordinance # 2006-09 for first reading at the April 18, 2006 Council meeting.

**FINANCIAL IMPACT:**

Current Fee Schedule:

- 1<sup>st</sup> & 2<sup>nd</sup> false call - no charge
- 3<sup>rd</sup> & each additional false call - \$100

Proposed Fee Schedule:

- 1<sup>st</sup> & 2<sup>nd</sup> false call - no charge
- 3<sup>rd</sup> and 4<sup>th</sup> false call - \$250 each
- 5<sup>th</sup> false call - \$500
- 6<sup>th</sup> false call & any additional - \$1,000 each

**ATTACHMENTS:**

1. Proposed False Alarm Ordinance # 2006-09
2. Current False Alarm Ordinance #2004-30

Submitted or Prepared by:

Tom Hendricks  
(Department Head/Elected Official)

Approved By:

  
Ron H. Rabun,  
Oconee County Administrator

Reviewed By/ Initials:

         N/A               County Attorney               N/A               Finance               N/A               Other

C: Clerk to Council

PROPOSED ORDINANCE

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2006-09

**AN ORDINANCE REGULATING FALSE FIRE ALARMS TO WHICH OCONEE COUNTY RURAL FIRE DEPARTMENTS RESPOND**

**ORDINANCES 2004-30 & 2004-05 ARE HEREBY RESCINDED IN THEIR ENTIRETY AND A NEW ORDINANCE IS ADOPTED TO READ AS FOLLOWS:**

**WHEREAS**, Oconee County Rural Fire Departments respond on a regular basis to fire alarms which turn out to be false alarms; and

**WHEREAS**, responding to false fire alarms requires Rural Fire Departments to expend considerable money and manpower and exposes themselves and the public to danger and liability; and

**WHEREAS**, County Rural Fire Departments are unable to determine whether an alarm is false without responding to the call, thereby necessitating a response to each alarm; and

**WHEREAS**, it is the responsibility of the owner or lessee of every establishment or residence to purchase and maintain a reliable, approved and permitted fire alarm system.

**NOW THEREFORE, BE IT ORDAINED**, by the Oconee County Council, in session duly assembled with a quorum present and voting that:

- (A) Maximum annual limit. Every establishment or resident within the unincorporated areas of Oconee County having an approved and permitted fire alarm system shall be entitled to report a maximum of two (2) false alarms to an Oconee County Rural Fire Department with a one year (12 month) period without charge.
- (B) Service Charge. After determining that an Oconee County Rural Fire Department has responded to and arrived at the location of a false call or alarm, a fee shall be levied against the owner or lessee as follows:
  - (1) 1<sup>st</sup> and 2<sup>nd</sup> false alarm call – no charge
  - (2) 3<sup>rd</sup> and 4<sup>th</sup> false alarm call within one year (12 month) period - \$250.00 each
  - (3) 5<sup>th</sup> false alarm call - \$500
  - (4) 6<sup>th</sup> false alarm call and each additional false alarm call within one year (12month) - \$1,000.00 each



(C)

Upon a violation of Section (B)(2) of this Ordinance, the County Fire Chief or his/her designee shall present an invoice for the fee imposed. The County Rural Fire Department Office shall keep a duplicate of the invoice. The offending party shall have thirty (30) days to pay said invoice to the County. In the event that the offending party does not pay the invoice within thirty (30) days, Oconee County may file a civil action for the collection of said invoice. If Oconee County files a civil action to collect said invoice, Oconee County shall also be entitled to attorney's fees, Court costs and costs incurred for collecting said invoice.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
H. Frank Ables, Jr.  
Chairman  
Oconee County Council

Attest:

\_\_\_\_\_  
Opal O. Green, Clerk to Council

1<sup>st</sup> Reading: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_  
3<sup>rd</sup> Reading: \_\_\_\_\_

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

ORDINANCE 2004-30

AN ORDINANCE AMENDING ORDINANCE 2004-05, AN ORDINANCE  
AMENDING TO REGULATE FALSE FIRE ALARMS TO WHICH OCONEE  
COUNTY RURAL FIRE DEPARTMENTS RESPOND

ORDINANCE 2004-05 IS HEREBY AMENDED TO READ AS FOLLOWS:

WHEREAS, Oconee County Rural Fire Departments respond on a regular basis to fire alarms which turn out to be false alarms; and

WHEREAS, responding to false fire alarms requires Rural Fire Departments to expend money and manpower; and

WHEREAS, some locations have false fire alarms on a regular basis; and

WHEREAS, County Rural Fire Departments are unable to determine whether or not an alarm is false or not without responding to the call, thereby necessitating a response to each alarm.

NOW, THEREFORE, BE IT ORDAINED, by the Oconee County Council, in session, duly assembled and with quorum present and voting, the following:

(A) Maximum limit per thirty (30) day period. Every establishment or resident within the unincorporated areas of Oconee County having a fire alarm system shall be entitled to report a maximum of two (2) false alarms to an Oconee County Rural Fire Department within a thirty (30) days period without charge.

(B) Service Charge. After determining that an Oconee County Rural Fire Department has responded to and arrived at the location of a false call or alarm, a fee shall be levied against the owner or lessee as follows:

- (1) 1<sup>st</sup> and 2<sup>nd</sup> false call - no charge;
- (2) 3<sup>rd</sup> false call and each additional false call within a thirty (30) day period - \$100.00

(C) Upon a violation of Section (B)(2) of this Ordinance, the Fire Chief or his/her designee of the responding Rural Fire Department shall present to the offending party with a bill for the fee imposed. The Rural Fire Department shall keep a duplicate of the bill. The offending party shall have thirty (30) days to pay said fee to the responding Rural Fire Department. In the event that the offending party does not pay the fee within thirty (30) days, the responding Rural Fire Department and/or Oconee County may file a

civil action for the collection of said fee. If the responding Rural Fire Department and/or  
Geonee files a civil action to collect said fee, the responding Rural Fire Department  
and/or Geonee County shall also be entitled to attorney's fees and costs for collecting  
said fee.

  
H. Frank Ables, Jr., Chair  
Geonee County Council

Attest:

  
Opal O. Green, Clerk

1<sup>st</sup> Reading: November 30, 2004  
2<sup>nd</sup> Reading: December 7, 2004  
3<sup>rd</sup> Reading: January 4, 2005

AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC

COUNCIL MEETING DATE: April 4, 2006  
COUNCIL MEETING TIME: 3:00 PM

**ITEM TITLE OR DESCRIPTION:**

County auction of surplus property to be held on Saturday, May 6, 2006 at 9:00 am at the County Vehicle Maintenance Facility located at 15026 Wells Highway, Seneca, SC 29678.

**BACKGROUND OR HISTORY:**

Periodically, the county conducts an auction in order to dispose of surplus items that are no longer needed. The auction is typically scheduled in October or when the surplus inventory reaches full capacity. However, with our recent workload and reduction in staff we were unable to schedule a sale last fall. The county's current surplus inventory is at maximum capacity and our limited storage building is full as well. Items in surplus include: vehicles, equipment, office equipment, desks, etc. A full listing of all proposed items for auction is attached to this summary.

In recent years, the auctions have been held at the County Vehicle Maintenance Facility at Wells Highway in Seneca, SC. This is a convenient location because the surplus storage building, which holds most of the surplus property, is located behind this facility and vehicles to be auctioned are already stored there. There is also sufficient room to hold the auction at this location and it is a well-known site to many Oconee County citizens.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

This item was postponed from the March 21, 2006 Council meeting to allow staff and Council more time to carefully review the surplus list. As a result of that review, a further justification of certain items is provided in bold type in the "condition" column on the attached list.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Staff recommends: (1) approval of the attached tentative surplus property list; (2) establish the scheduled auction date of Saturday, May 6, 2006 beginning at 9:00 am to be held at the County Vehicle Maintenance Facility located at 15026 Wells Highway, Seneca, SC.

**NOTE: Once approved by County Council, no additional items will be added to the tentative list; however, items may be withdrawn if it is in the best interest of the County to do so.**

**FINANCIAL IMPACT:**

Past auctions usually net \$20-30,000 which is deposited into the county's "General Fund".

**ATTACHMENTS:**

1. 2006 Tentative Surplus Vehicles Auction List (6 pages)

Submitted or Prepared By:

  
Marianne A. Dillard, Procurement Director

Approved for Submittal to Council:

  
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

N/A \_\_\_\_\_ County Attorney

N/A \_\_\_\_\_ OMB

\_\_\_\_\_ DOAS

N/A \_\_\_\_\_ Department

C: Clerk to Council

## 2006 Tentative Surplus Property Auction List

Year	Qty.	Description	Manufacturer	Condition
1983		Boat, Pontoon	Aqua	Replaced in 2002 Poor-Cannibalized Pontoons are too small to float with current equipment
1990		Caprice	Chevrolet	Transmission- Slips Left Converter- Bad Parking Light- Missing Front End- Needs Work Mileage- 187,276
1970		Crane	Bucyrus-Erie	Poor-Cannibalized
		Crane	Lima	Poor-Cannibalized
1992		Crown Victoria	Ford	Engine- Fair Speedometer- Bad Mileage- 230,335
1992		Crown Victoria	Ford	Condition- Fair Exhaust work needed Mileage- 186,764
1992		Crown Victoria	Ford	Worn Out Heater Controls- Missing (used in another vehicle) Mileage- 181,952
1992		Crown Victoria	Ford	Transmission Slips Body & Engine- Fair Mileage- 169,273
1994		Crown Victoria	Ford	Transmission- Bad Body & Engine- Fair Mileage- 222,424
1994		Crown Victoria	Ford	Transmission- Bad Odometer broke & changed out in 07/2000 Mileage- 213,241
1995		Crown Victoria	Ford	Mileage- 208,369
1995		Crown Victoria	Ford	Front End- Bad Brakes- Bad Body & Engine- Fair Mileage- 228,817
1995		Crown Victoria	Ford	Worn Out Burning Oil Park light missing- right side Mileage- 315,016
1995		Crown Victoria	Ford	Transmission- Bad Parts Missing Body & Engine- Fair Mileage- 195,030
1995		Crown Victoria	Ford	Condition- Fair Mileage- 135,602 (Gray)
1997		Crown Victoria	Ford	Wrecked Front End Uses Oil Mileage- 205,588
1997		Crown Victoria	Ford	Intake- Bad Mileage- 213,044
2001		Crown Victoria	Ford	Totalled (parts salvageable) Mileage- 77,179
		Golf Cart (2-Cycle)	EZ-Go	Engine- Bad

1983	Motor, Boat 60 HP Outboard	Overdue	Condition- Fair
	Mower, Lawn (push) 42539	Poulan	Doesn't start
1987	Mower, Tractor F-935	John Deere	Condition- Fair Wheel Hub- Leaks
1992	Tractor, Lawn 240	John Deere	Engine- Knocking
1986	Tractor, Tiger mower EA4140	Ford	Condition- Fair Steering Sector- Leaks Hours- 843
1985	Truck 3500 4x4	Chevrolet	Condition- Poor Inside- Trashed Engine- Knocks Transmission- Slips Mileage- 120,303
1988	Truck 4x4	Chevrolet	Condition- Fair Mileage- 207,285
1984	Truck, 4x4 250	Chevrolet	Worn Out Mileage- 150,862
1987	Truck, F-350	Ford	Worn Out Mileage- 189,976
1994	Truck, F-350 Clean-Up	Ford	Transmission- Bad Mileage- 374,201
1975	Van E-100	Ford	Mileage- 80,152 Condition- Poor Top rusted, door/fenders/bumpers dented
1993	Air Handler	Trane	
	Answering Machine P-140, Cream	Harris	
	Answering Machine SP-811	Sprint	Needs recording tape
	Base Station Radio	GE	
	Battery Checker VAT-40	Sun	Fair
33	Boots, Fireman's		
6	Box, Distribution (black, metal shelf-type)		
	Box, Storage File (metal)		Fair
	Cabinet w/ door, brown wooden 1.5'Wx2'H		
	Cabinet, Card - 12 drawer	Steelmaster	Good
	Cabinet, Card - 2 drawer, beige	Buddy Products	Good
	Cabinet, Card - 2 drawer, beige	Steelmaster	
2	Cabinet, Card - 8 drawer, beige	Tennsco	Good
2	Cabinet, Card File		
	Cabinet, File - 2 drawer, beige		
	Cabinet, File - 2 drawer, metal	HON	Fair
	Cabinet, File - 2 drawer, silver, rolling	Oxford	Fair
	Cabinet, File - 4 drawer, beige	HON	
	Cabinet, File - 4 drawer, brown		
	Cabinet, File - 4 drawer, lateral, cream		
	Cabinet, File - 4 drawer, light gray	HON	Bottom drawer won't open/close
	Cabinet, File - 4 drawer, metal	Steelmaster	Handle missing
2	Cabinet, File - 4 drawer, metal, beige		
	Cabinet, File - 4 drawer, metal, beige	HON	
	Cabinet, File - 4 drawer, metal, brown		Handle missing
	Cabinet, File - 6 drawer, green		
	Cabinet, File - Green 8 drawer		
	Cabinet, File - metal		Fair
	Cabinet, File - wooden		
2	Cabinet, File-Checks 8 drawer, green		
	Cabinet, Metal, 1 drawer w/ 2 doors		
2	Cabinet, Storage Table-Beige, 2 drawer		



	Calculator, 820	Victor	
	Calculator, Electronic 1460	Victor	
2	Calculator, Electronic 1460-2	Victor	
	Calculator, Electronic 1460-3	Victor	
	Calculator, Electronic Compet VX-1612	Sharp	
2	Calculator, Electronic Compet VX-1662B	Sharp	
3	Case, Chainsaw	Homelite	
	Case, Saw	Milwaukee	
	Cash Register CIR-204	CITOH	Good
2	Chainsaw	Homelite	Does not work, sell for parts
5	<b>Chainsaw</b>	<b>Homelite</b>	<b>Do not meet new OSHA Regulations</b>
2	Chainsaw, Partial	Homelite	Parts salvageable
	Chainsaw, Partial	STHL	Parts salvageable
2	Chair		
	Chair	United	
5	Chair, 4 wheels		
	Chair, beige fabric w/ arms		
	Chair, black vinyl		
	Chair, black w/ arms		
	Chair, blue fabric, no back		
	Chair, Brown leather and metal		
2	Chair, brown upholstery		Fair
4	Chair, cane bottom		Fair
	Chair, Executive - 4 rollers Beige, w/ arms		
2	Chair, Executive - 4 rollers w/ arms, blue/white print		
4	Chair, Executive - 4 rollers, green		
2	Chair, Executive - 4 rollers-yellow, leather, high-back		
2	Chair, Executive - black leather 4 rollers, high-back		
2	Chair, Executive - brown leather, upholstery 4 rollers, high-back		
2	Chair, Executive, low-back w/ 4 rollers		
3	Chair, Folding - metal, brown		Good
	Chair, Office - black, leather w/ 5 rollers		
36	Chair, plastic - non-stacking, beige		Fair
4	Chair, plastic - non-stacking, orange		Fair
2	Chair, plastic - non-stacking, red		Fair
4	Chair, plastic - non-stacking, white		Fair
	Chair, rolling blue/black		Good
	Chair, Secretarial, 4 rollers-brown/metal		Fair
	Chair, Side - brown leather, 4 legs		
2	Chair, Side - brown/cream striped metal chair 4 legs w/ arms		
	Chair, Side Stationary Oak		
	Chair, straight back Beige fabric		
	Chair, straight back Black		
	Chair, Task (blue)		Fair
	Clock Stamper	Latham	
2	Clock, Time	Latham	Fair
	Coats, etc, Froman (Turn out gear)		
1984	Compressor, Air	Eagle Air Systems	Does not work, sell for parts
1984	Compressor, Air	Kellogg American	Hole in air tank

	Conduit, Electrical (16 pieces)		
	Container for paintings (solid oak) painting stand in it		Good
	Copier, 1355	Mita	Poor
	Copier, 1605	Mita	Poor
	Copier, 1790	Konica	Poor
	Copier, 3055	Mita	Works, no service agreement
	Copier, 5585	Mita	Works, obsolete, slow
	Copier, Cannon NP 6030	Cannon	Fair, serviceable
	Copier, DC 2155	Mita	Poor
	Copier, F126500	Cannon	Serviceable
	Credenza, Brown wood		Fair
	Credenza, Brown wood/metal, (silver dividers)		
	Credenza, Brown wood/metal, (silver dividers)		Good
	Credenza, Brown wooden w/ metal racks		
	Credenza, Brown wooden, w/ misc. Parts		Fair
	Credenza, Desk 5'LX1'H 2 shelves		Good
	Dehumidifier		
	Desk w/ Credenza, brown no drawers		
	Desk w/ Return 3 drawer brown wood top w/ beige metal body		Good
	Desk, 5 drawer		Good
	Desk, brown & black metal (2 drawer)		
	Desk, dark wood w/ return, 4 drawers		Needs minor repair, No legs
	Desk, metal (green) 5 drawers		Good
	Desk, metal (green) 7 drawers		Good
	Desk, metal Beige		
	Desk, metal Green		
	Desk, Typewriter		Good
2	Desk, U Shaped		Good
	Desk, w/ Return reddish brown (5 drawer)		Legs in drawer
	Desk, wood veneer w/ drawer, 41"Hx30"W		Good
	Desk, wooden (3 drawer)		
	Exam Table (brown & black)	IE Industries	Good
	Fax Machine FO-1480	Sharp	Works
	Fax Machine MFC 8300	Brother	
	Fax Machine, OKI-FAX 1000	Okidata	Works
3	Feeder, Tractor Option Kit	Okidata	Obsolete
	Filters, Auto Miscellaneous	Box "3T"	Obsolete
	Folder, Litter P7200	Premier	Good
	Gasket, GE- 1995, Chevy Blazer		Obsolete
	Hose, Bucket Lever FL-20		
	Hutch, Brown wood		Poor
	Jack, Bumper air operated		Fair
	Jack, Floor 10-ton		Poor
2	Level	Transit	
1996	Machine, Ice	Mochizuki	Broken
	Machine, Refrigerant Recovery ACT 3000	Snap-On	Good
	Mailboxes, 40 boxes wood, brown		Fair
	Mat, Floor for chairs		
1992	Monitor, Typewriter w/ stand	IBM	Obsolete
	Partitions, Wall		Nice
	Partitions, Wall - Bathroom		
3	Partitions, Wall 7' Gray		Good
	Parts, Auto Miscellaneous		Obsolete
1999	Pile Driver Set		
	Pat. Coffec - Glass		
	Pump, Heat	Trane	Good

	Rack, Coat (metal)		
	Rack, Magazine		Good
	Rack, Map		
5	Rack, Metal		Good
3	Rack, Paperback Book		
	Rack, Printer		Good
	Radio, Clock	Zenith	
	Recycler, Air/freezes 143-012-007	Solar	Good
	Return, Desk Brown, wooden 1 drawer		Fair
	Return, Desk Right w/o desk brown wood top, black body, 3 drawer		
	Return, Right		Needs minor repair, No legs
2001	Sealer, Pressure EZ Seal	AIR Technology	Hangs up occasionally
	Sign, "EXIT"		
	Stand, Keyboard		
	Stand, Printer (metal) cream		Fair
	Stand, Printer brown/wooden		
	Stand, Printer brown/wooden on wheels		
2	Stand, Printer cream color metal		Good
3	Stand, Record (top opens) solid oak		Good
	Stand, Witness		Good
	Station, Eyewash Portable		Obsolete
2	Stool, swivel		
	Table		Good
	Table, boxed-in, brown, wood		
	Table, brown/black folding tables 8'L		Good
	Table, brown/black folding tables 8'L		Good
	Table, Computer Corner		Good
	Table, Drafting		Good
	Table, Folding		Broken
	Table, Folding w/ legs wooden black/brown		Trim band is loose
2	Table, Printer		Obsolete
	Table, Printer brown wooden		
	Table, Printer w/ shelf brown wood		
	Table, rectangular w/ rounded front, 2 drawer (light wood)		Unsteady
	Table, round w/ metal base approx. 4' D		Fair
	Table, round, small white & metal (approx. 3'D)		Good
	Table, square, small, wood & metal (approx. 3'Hx2'Wx1 1/2'L) 2 shelves		Good
2	Table, wooden 36"x96"		Poor
	Tank, Water (wheeled) w/ pump (400 gallon)	Army Surplus	Needs pump adj.
	Telephone		Obsolete
	Telephone, 2 line FKXT3145	Panasonic	Obsolete
2	Telephone, 612 Cream	AT&T	Obsolete
	Telephone, Freedom FT360B, White	Southwestern Bell	Obsolete
	Telephone, Unity	Northern Telecom	Obsolete
	Toilet (complete)		
	Toilet (top for tank)		
	Transit		
	Typewriter		Good
	Typewriter MFC8300	Brother	Fair
	Typewriter Wheelwriter	IBM	Good
	Typewriter Wheelwriter	IBM	Fair
	Typewriter, Office Line	Olympia	Good
	Unit, Wall		Good
2	Urn, Coffee		Obsolete
	Vanity, Bathroom sink w/ cabinet		

	Walkie-Talkie set (2)		Obsolete
1889	Washer, Pressure	Spartan	Poor
	Weed eater	Poulan	Broken
	Weed eater 225R.J	Husqvarna	Needs clutch

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: April 4, 2006  
COUNCIL MEETING TIME: 3:00 p.m.**

**ITEM TITLE OR DESCRIPTION:**

Purchase of required items for the operation of Platform 1 Ladder Truck housed at Seneca Fire Department

**BACKGROUND OR HISTORY:**

Per agreement with the City of Seneca dated October 3, 1989, the County agreed to pay for the yearly testing of the platform truck and to provide for its related equipment.

Seneca Fire Chief, Shane Phillips has requested items for operation of Platform 1 in accordance with NFPA 1901 and ISO's Fire Suppression Schedule (see attached letter dated 12-9-2005).

**BID SOLICITATION HISTORY:**

Quotes have been received to purchase the requested items.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

This equipment is vital to the safe operation of Platform 1 and is in minimum compliance with NFPA 1901 Standards and ISO's Fire Suppression Schedule.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Request Council to waive formal bid requirements and appropriate funds from Council Contingency for a grand total not to exceed \$28,400 for the purchase of turnout gear and various equipment needed for the operation of Platform 1 ladder truck.

**FINANCIAL IMPACT:**

No funds are allocated in the 2005-06 fire budget for the purchase of these items for the operation of Platform 1. If the transfer is approved, \$156,523.00 will remain in Council Contingency.

**ATTACHMENTS:**

1. Equipment request letter from Seneca Fire Department dated December 9, 2005.

Submitted or Prepared By:

Marianne A. Dillard  
Marianne A. Dillard, Procurement Director

Approved for Submittal to Council:

Ron H. Rabun  
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

AB OMB/Finance

n/a DOAS

Jim Hunt Fire Department

C: Clerk to Council



# SENECA FIRE DEPARTMENT

received  
12-12-05

321 W. South 4th Street  
PHONE (864) 885-2738



P.O. BOX 4773  
SENECA, SC 29678

December 9, 2005

321 W. South 4th Street  
Seneca, South Carolina  
29678

County Administrator - Ron Rabun  
415 South Pine Street  
Walhalla, South Carolina  
29691

Reference: Platform 1 Equipment

Mr. Rabun:

It has come to my attention that the county owned "Platform 1" ladder truck operated by the Seneca Fire Department is severely under equipped. In fact a great deal of the equipment that is used for day to day operations are provided by the City of Seneca. After meeting with you a couple of weeks ago and finding this information out first hand recently, it occurred to me that you may not be aware of this situation. Platform 1 is a vital piece of equipment to this county as well as our city and I certainly do not want us to incur a problem in the future because of this oversight.

Pursuant to the current contract we desperately need the following items for the operation of Platform 1 according to NFPA 1901 and ISO's Fire Suppression Schedule:

- Six self contained breathing apparatus along with six spare cylinders
- Ten fire rated salvage covers (12 x 18ft.)
- Three portable / removable scene lights with light cords
- One oxyacetylene cutting unit
- One ventilation style power saw
- One hose hoist
- Four safety belts

FAX (864) 885-2747

- Five complete sets of firefighting turn out gear for the staffing
- Two self contained breathing apparatus masks to hook into the platform while working fire scenes at elevation

We estimate that it will cost an approximate \$24,860.00 to purchase the equipment listed above. This price is without the advantage of researching bids or actually going through a vendor per specifications. I hate to spring something like this on you from out of nowhere, but as you know I am new and have just recently learned of these problems.

Please let me know what avenue we can take to obtain this vital equipment.

Respectfully,



Michael Shane Phillips  
Fire Chief

cc: Daniel Alexander, Mayor of Seneca  
Greg Dietterick, City Administrator  
Mike Smith, City Attorney

Oconee County  
Finance Department

Veronda Holcombe-Lewis  
Grants Administrator

Oconee County  
415 South Pine Street  
Walhalla, SC 29691

Phone: 864.638.4256  
Fax: 864.779.1022

Email:  
vhwis@oconeesc.com

TO: Ron H. Rabun, County Administrator

CC: Phyllis Lombard, Director of Administrative  
Services and Finance

FROM: Veronda Holcombe-Lewis, Grants Administrator

DATE: 3/29/2006

RE: Valerite Turning Lanes Grant

Attached is the SC Advisory Coordinating Council for Economic  
Development grant award agreement (Valerite Turning Lanes).  
Please execute the two attached documents at the marked locations.  
Upon return of these documents, I will forward to the Council Clerk to  
obtain the signatures of two elected officials.



Approval



**SC ADVISORY COORDINATING COUNCIL  
FOR ECONOMIC DEVELOPMENT  
1201 Main Street, Suite 1600 South Trust Building  
Columbia, South Carolina 29201**

**GRANT AWARD AGREEMENT**

In accordance with the provisions of Section 12-28-2910 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Advisory Coordinating Council for Economic Development, hereinafter called the Council, does commit and grant to Georgetown County, hereinafter called the Grantee, the sum in dollars set forth in Section 3 below for the Project identified in Section 2 below. The acceptance of the Agreement creates a contract between the Council and the Grantee, legally binding the Grantee to carry out the activities and obligations set forth in the Application and this Agreement, all in accordance with the terms and conditions set forth in this Agreement and in any appendices attached hereto and any other documents or conditions referred to herein.

**Section 1: DEFINITIONS:**

- (a) Agreement means this Grant Award Agreement.
- (b) Application means the grant application forms submitted by the Grantee to the Council.
- (c) Company means the economic development corporate entity that is identified in the Application.
- (d) Contractor means a private contractor who undertakes all or part of the Project.
- (e) Council means the South Carolina Advisory Coordinating Council for Economic Development (CCED).
- (f) Grant means the dollars committed by the Council to the Grantee for the Project.
- (g) Grantee means the unit of government designated for the Grant and set forth above.
- (h) Project means the project identified and described in the Application.
- (i) State means the State of South Carolina and any agencies or offices thereof.

**Section 2: PROJECT DESCRIPTION:** These funds will be used for turn lanes on US 76/123, which has been approved by the Council, and is included by reference as Economic Development Set-Aside Fund Grant #S1734 - Road Improvements - US 76/123.

**Section 3: AWARD AMOUNT:** The Council hereby commits an amount not to exceed \$145,000, to be used only for the Project and related costs, as described in the Application. Eligible costs that can be paid from the Grant shall include only those costs expressly set forth in the Application.

**3.1: Approval of Third Party Contracts:** The Grantee must submit all proposed agreements with third party contractors engaged to perform work within the scope of the Grant to the Council prior to finalizing those agreements.

**3.2: Notice to Proceed:** The Grantee must obtain from the Council written notice to proceed prior to incurring costs against the Grant. If the Grantee needs to incur expenses prior to the Council's notification to proceed, the Grantee must submit a written request to the Council and obtain prior written approval from the Council. Otherwise, any expenditure made prior to the date of the written notice to proceed is made by the Grantee or the Company at its own risk and expense and is not eligible for payment with Grant funds.

**Section 4: AMENDMENTS:** Any changes in the scope of work of the Project, including change orders or cost increases, must be submitted in writing by the Grantee to the Council as a request for an award adjustment, and such request must clearly identify the need for the change or relief. Any adjustment granted by the Council shall be appended to this Agreement as an amendment.

**Section 5: PERFORMANCE:** By acceptance of this Grant, the Grantee warrants that it will complete or cause to be completed the Project as described in the approved Application, including any approved amendments appended hereto. Should Grantee fail to cause the completion of all or part of the Project, the Council shall be entitled to reimbursement from the Grantee of any Grant funds that were received by the Grantee for any work that was not performed.

**Section 6: FUNDING OVERRUNS/UNDERRUNS:** Except for relief granted under Section 4, the Grantee agrees that it will return surplus Grant funds that result from project cost underruns, and that it will commit and provide monies from its own resources for cost overruns that are required to complete the Project. This Agreement creates no obligation on the part of the Council or the State to provide funds for the cost overruns.

**Section 7: AUDIT:** The Grantee must include an examination and accounting of the expenditures of Grant funds in its first annual audit following the completion of the Project, and submit a copy of the audit report to the Council. The Grantee agrees that it will reimburse the Council for unauthorized and unwarranted expenditures disclosed in the audit, if so directed by the Council. Upon request of the Council, the Grantee shall make available, and cause the Company to make available, for audit and inspection by the Council and its representatives all the books, records, files and other documents relating to any matters pertaining to the Project, the Application or this Agreement. The Grantee shall have prepared an audit of Grant funds received under this Agreement that adheres to the following audit requirements, whenever is applicable:

- (a) Generally accepted auditing standards established by the American Institute of Certified Public Accountants, (AICPA);
- (b) The General Accounting Office (GAO) Standards for Audits of Governmental Organizations, Programs, Activities, and Functions, latest revised edition (yellow Book);

**Section 8: CONTRACTOR SELECTION:** If the Grantee desires to select a Contractor to undertake all or any part of the scope of work of the Project, then the selection of that Contractor by the Grantee must follow applicable procurement laws, regulations and guidelines. The Grantee warrants that it will adhere to all such applicable procurement laws, regulations and guidelines in the selection of the Contractor. In addition, the Grantee may not award contracts to any Contractors who are ineligible to receive contracts under any applicable laws or regulations of the State.

Upon request, the Grantee must make available to the Grantee's auditor, the Council, and its representatives, and the public Grantee's records and other documentation of the procurement process and any sole source justification. If the Grantee fails to adhere to procurement procedures required by law, Council may call for repayment by the Grantee for Grant funds that were expended in a disallowable manner.

A Contractor must represent that it has, or will secure at its own expense, all personnel required in the performance of the services covered by this Agreement. Such personnel shall not be employees of, or have any contractual relationship with the Council or the Grantee.

All of the services required to complete the Project will be performed by the Grantee and/or a Contractor, or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services.

The Grantee and/or a Contractor shall be liable for and pay all taxes required by local, state, or federal governments, which may include, but not be limited to, social security, worker's compensation, and employment security as required by law. No employee benefits of any kind shall be paid by the Council to or for the benefit of the Grantee and/or a Contractor or his employee or agents by reason of this Agreement.

The Grantee warrants that it will enforce all terms and conditions of this Agreement upon its Contractors.

**Section 9: CONFIDENTIAL INFORMATION:** Any reports, information, data, or other documentation given to or prepared or assembled by the Grantee under this Agreement which the Council requests to be kept confidential shall not be made available to any individual or organization by the Grantee without the prior written approval of the Council.

**Section 10: DISCRIMINATION:** The Grantee shall not, and shall impose on its Contractors the obligation not to, discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or handicap. The Grantee and any Contractor shall be required to take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, age, sex, national origin, or handicap.

**Section 11: INTEREST OF CERTAIN FEDERAL OR STATE OFFICIALS:** No elected or appointed State or Federal Official shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.



**Section 12: INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF GRANTEE, MEMBERS OF LOCAL GOVERNING BODY, OR OTHER PUBLIC OFFICIALS:** No member, officer, or employee of the Grantee, or its designees or agents, no member of the governing body of the locality in which the Project is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Project or this Agreement. The Grantee shall incorporate, or cause to be incorporated, in all of its contracts or subcontracts relating to the Project and this Agreement this provision prohibiting such interest.

**Section 13: PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION:** The assistance and Grant funds provided under this Agreement shall not be used for the payment of any bonus or commission for the purpose of obtaining the Council's approval of the Application, or the Council's approval of Applications for additional assistance or Grant funds, or any other approval or concurrence of the Council required under this Agreement. However, the payment from Grant funds of reasonable fees for bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as Project costs.

**Section 14: MAINTENANCE OF RECORDS:** The Grantee shall retain records for property purchased totally or partially with Grant funds for a period of three years after its final disposition. The Grantee shall maintain records relating to procurement matters for the period of time prescribed by applicable procurement laws, regulations and guidelines, but no less than three years. All other pertinent Grant and Project records including financial records, supporting documents, and statistical records shall be retained for a minimum of three years after notification in writing by the Council of the closure of the Grant. However, if any litigation, claim, or audit is initiated before the expiration of any such period, then records must be retained for three years after the litigation, claim, or audit is resolved.

**Section 15: MBE OBLIGATION:** The Grantee agrees to ensure that minority business enterprises, as identified in Article 21, Sections 11-35-5010 through 11-35-5270 of the 1976 Code of Laws of South Carolina, as amended, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with funds provided under this Agreement. In this regard, the Grantee and its Contractors shall take all necessary and reasonable steps to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. The Grantee and its Contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of contracts.

**Section 16: PROJECT COMPLETION:** The Grantee must complete the Project within eighteen (18) months of the Date of Award of this Grant. Completion is defined as the final documentation by Grantee to Council of Grant funds expended and issuance by Council of a notification in writing of the closure of the Grant. The Council may grant extensions to this completion period requirement at its discretion.

**Section 17: SANCTIONS:** If the Grantee fails or refuses at any time to comply with any of the terms and conditions of this Agreement, the Council may take, in addition to any relief that it is entitled to at law, any or all of the following actions: require repayment of all or a portion of any Grant funds provided; cancel, terminate, or suspend, in whole or in part, the Grant and this Agreement; or refrain from extending any further

assistance or Grant funds to the Grantee until such time as the Grantee is in full compliance with the terms and conditions of this Agreement.

**Section 18: APPLICABLE LAW:** This Agreement is made under and shall be construed in accordance with the laws of the State of South Carolina, without regard to conflicts of laws principles. The federal and state courts within the State of South Carolina shall have exclusive jurisdiction to adjudicate any disputes arising out of or in connection with this Agreement.

**Section 19: APPROPRIATIONS:** Notwithstanding any other provisions of this Agreement, the parties hereto agree that the Grant funds awarded hereunder are payable by appropriations from the State. In the event sufficient appropriations, grants, and monies are not made available to the Council to pay the compensation and expenses hereunder for any fiscal year, this Agreement shall terminate without further obligation of the Council. In such event, the Council shall certify to the Grantee the fact that sufficient funds have not been made available to the Council to meet the obligations of this Agreement; and such written certification shall be conclusive upon the parties.

**Section 20: COPYRIGHT:** No material produced in whole or in part under this Grant shall be subject to copyright in the United States or in any other country. The Council shall have the unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Grant.

**Section 21: TERMS AND CONDITIONS:** The Council reserves the right to add or delete terms and conditions of this Agreement as may be required by revisions and additions to changes in the requirements, regulations, and laws governing the Council and any other agency of the State.

**Section 22: REPORTING REQUIREMENTS:** The Grantee agrees to submit quarterly progress reports that provide a status update and identification of any material issues affecting the Project. Progress reports will be due on the first day of the month beginning with the first full month after commencement of the Project. Failure to submit progress reports will be subject to sanctions identified in Section 17 herein. The Grantee further agrees to complete and submit all monthly progress reports and any other reports, in such form and according to such schedule, to the extent not specified herein, as may be required by the Council.

**Section 23: PROJECT START-UP:** The project must begin within three (3) months of the Date of Award of the Grant. If the Grantee does not begin the Project within three (3) months of the Date of Award of the Grant, the Council reserves the right to rescind the Grant, require the repayment of any Grant funds provided to Grantee and terminate this agreement. For purposes of this section, Grantee shall have begun the Project once it has incurred material obligations in connection with the Project satisfactory to the Council to indicate that the Project will be timely completed.

**Section 24: NOTIFICATION OF SCDOC FUNDING:** Once the project has begun, Grantee is responsible for posting a sign at the Project site providing notification of funding by the South Carolina Department of Commerce. The sign must adhere to the specifications which will be provided on CD-ROM when the Council issues its authorization to proceed with the project.

**Section 25: LIABILITY AND INDEMNIFICATION:** The Grantee understands and warrants that it will defend the Council against any liability arising from the Project, the Grant or this Agreement and that the Council accepts no liability for the Project nor any responsibility other than its agreement to provide the Grantee the Grant funds for the Project in the amount shown in Section 3, insofar as such funds are expended in accordance with the terms and conditions of this Agreement. During the term of the Grant, the Grantee shall maintain tort liability insurance or shall have a self-funded and excess liability program with coverage amounts sufficient to meet the limits set forth under the SC Torts Claims Act in Section 15-78-120, as may be amended, for the purpose of indemnifying the Council and the State up to the limits set forth in that Act from any and all claims or liabilities arising out of the Project, the Grant, or this Agreement.

**Section 26: PAYMENT:** The Grantee must submit to the Council a certified request for payment for work that is documented by the Grantee. The Council, upon its approval of the request for payment, shall forward such requests to the Finance Department of the South Carolina Department of Commerce. Payments are issued from the Comptroller General's office. Payment requests should be submitted to the Council no more than once a month.

The Grantee will certify, to the best of its knowledge, information and belief, that the work on the Project for which reimbursement is requested has been completed in accordance with the terms and conditions of this Agreement, and that the payment request is due and payable from Grant funds.

All requests for payment must be certified as valid expenditures by an official representative of the Grantee. Invoices and canceled checks supporting the Grantee's request for reimbursement from Grant funds must be kept on file and be available for inspection at any time.

**Section 27: RESPONSIBILITY FOR MAINTENANCE:** Maintenance of new roads and other improvements to the Grantee's or Company's right of way and/or property is the sole responsibility of the Grantee. Neither the Council nor the State shall have any responsibility whatsoever to maintain such roads and other improvements relating to the Project. The Grantee may assign this responsibility to any agreeable party.

**Section 28: SEVERABILITY:** If any provision of this Agreement is or becomes illegal, invalid, or unenforceable in any respect, the legality, validity, and enforceability of the other provisions of this Agreement shall not in any way be affected or impaired thereby.

This Agreement shall become effective, as of the Date of Award, upon receipt of one copy of this Agreement which have been signed in the space provided below. The agreement must have original signatures and must be returned within fifteen (15) days from the Date.

Date of Award

Alan D. Young  
Managing Director – Grants & Incentives  
Coordinating Council for Economic Development

ACCEPTANCE FOR THE GRANTEE



Signature of Official with Legal Authority  
to Execute this Agreement for the Grantee

3/29/06

Date

Ron E. Rabus Seconee County Administrator  
Typed Name and Title of Authorized Official

ATTEST:

\_\_\_\_\_  
Signature of Elected City or County Council  
Member, as appropriate

\_\_\_\_\_  
Signature of Elected City or County Council  
Member, as appropriate



**PERFORMANCE AGREEMENT  
(ECONOMIC DEVELOPMENT SET-ASIDE FUND ASSISTANCE)**

This **Performance Agreement** ("Agreement") made the 23th day of March, 2006 by and between Oconee County, a political subdivision of the State of South Carolina and hereinafter referred to as the "Grantee", and Valenite, LLC, hereinafter referred to as the "Company", and the South Carolina Coordinating Council for Economic Development, hereinafter referred to as "CCED":

**WITNESSETH**

That for and in consideration of the mutual covenants and agreements herein contained, the above parties do hereby agree as follows:

- 1.0 **Agreement.** The parties recognize that this Agreement is based on an Economic Development Set-Aside Fund (Set-Aside) grant award being awarded or made by CCED to the Grantee in the amount of One Hundred Forty-Five Thousand Dollars and No/100 (\$145,000) for the purpose identified in Section 2.0 herein.
- 2.0 **Use of Proceeds.** The Grantee will use the Set-Aside grant award to assist the Company by providing funds for road improvements, hereinafter referred to as the "Assistance".
  - 2.1 **Disbursement of Funds.** No funds will be disbursed until the approval of expenditures, through submission of invoices to the Grantee and upon the execution of the Performance Agreement.
  - 2.2 **Compliance with Set-Aside Requirements.** The Grantee and Company must comply with all applicable policy and regulatory guidelines of the state government and the Coordinating Council for Economic Development governing the use of Set-Aside funds. Failure to comply with Set-Aside requirements by the Grantee or Company could result in the assistance being determined ineligible and appropriate sanctions being imposed including repayment of funds expended under this Agreement.
- 3.0 **Project Description.** The Company will construct a 116,000 square foot manufacturing facility to be located at 2424 Sandifer Boulevard, Westminster, South Carolina, hereinafter referred to as the "Project".
- 4.0 **Minimum Investment Requirement.** The Company agrees to make a capital investment of not less than \$67,000,000 for building and machinery and equipment at the Project within two (2) years of the date of this Performance Agreement, hereinafter referred to as the "Investment Requirement". The Company's investment may be verified at the request of the Grantee or CCED.
- 5.0 **Minimum Job Requirement.** On or before March 23, 2008, [which is generally twenty-four (24) months from date of the CCED Set-Aside grant award to the Grantee], the Company agrees to create no fewer than 62 new, full-time jobs at the Project, hereinafter referred to as the "Job Requirement."

5.1 **Anti-Pirating.** Set-Aside funds will not be used to assist in relocating Company operations or employees (or that of any Company affiliates) from a current location within South Carolina. In the event of an incidental job transfer from other South Carolina locations, there must be no significant job loss at other locations. Additionally, employee transfers from other South Carolina facilities of the Company cannot be counted as new, full-time jobs, unless the jobs at the other facilities are back-filled after transfer of employees to the Project.

5.2 **Access to Records.** The Company agrees to provide the Grantee and CCED reasonable access to its facilities to substantiate the employment and investment committed by this agreement. This covenant shall continue until notified in writing by CCED that the Job and Investment Requirements have been met and funds have been expended and documented, or until repayment of assistance occurs in accordance with this Agreement.

5.3 **Compliance.** CCED will review the hiring records and notify the Company in writing of its compliance or non-compliance with this Agreement. Upon written notification from CCED that the Job and Investment Requirements have been fulfilled, this Agreement and all obligations of the Company, unless otherwise stated, hereunder shall terminate.

5.4 **Repayment of Assistance.** Failure to comply with the Job and Investment Requirements as set forth herein may result in repayment of all or a portion of the Set-Aside funds expended. The Company will make re-payments to the Grantee, who will immediately notify and reimburse CCED.

5.4.1 The number of jobs created by the Company at the Project may not be less than the Job Requirement (62 jobs), and the investment by the Company at the Project may not be less than the Investment Requirement (\$67,000,000). If the Company does not locate in South Carolina or otherwise fails to create new jobs and make investment in the state, repayment of all of the assistance will be immediately due and payable. If the Company does create jobs and/or investment but fails to meet the Job Requirement and/or the Investment Requirement, the Company will be required to repay a pro-rata amount of the funds expended under this Agreement, based on the actual number of jobs created and/or investment level achieved. When one requirement is not met, but the other requirement has been exceeded, CCED will take the Company's over-performance into account in determining the amount of the pro-rata payment or whether repayment is required. If required, repayments are due and payable within thirty days of the date the Job and Investment Requirements were to have been met, as specified in this Agreement, and should be submitted to the Grantee. The Grantee will immediately return all payments to CCED.

6.0 **Amendments.** If (a) the Investment Requirement is not met or (b) the total number of full-time jobs created is less than the Job Requirement or the jobs are not created within the timeframe specified in Section 5.3, the Company must provide detailed documentation that a good faith effort was made to achieve the Job and Investment Requirements. To the



extent that extenuating circumstances prevent the Company from fulfilling its commitments contained herein and the Grantee and CCED acknowledge such circumstances in writing, this Agreement may be modified in writing by mutual agreement of the parties.

- 7.0 Representations and Warranties.** The Company agrees that all representations and warranties made by the Company are now true and correct and will remain true and correct throughout the term of this Agreement.
- 7.1 Good Standing.** The Company is duly organized and validly existing under the laws of the jurisdiction in which it is organized and has the power and authority to own its property and to carry on its business in each jurisdiction in which it does business.
- 7.2 Authority and Compliance.** The Company has full power and authority to execute and deliver this Agreement and to incur and perform the obligation provided herein. No consent or approval of any public authority or other third party is required as a condition to the validity of this Agreement, and the Company is in compliance with all laws and regulatory requirements to which it is subject.
- 7.3 No Conflicting Agreement.** There is no charter, bylaw, stock provision, partnership agreement or other document pertaining to the organization, power or authority of the Company and no provision of any existing agreement, mortgage, deed of trust, indenture or contract binding on the Company or affecting the Company's property which would conflict with or in any way prevent the execution, delivery, or carrying out of the terms of this Agreement.
- 7.4 Litigation.** To the best of the Company's knowledge, there is no proceeding involving the Company pending, or to the knowledge of the Company, threatened before any court or governmental authority, agency, or arbitration authority which if adversely decided would materially affect the Company's ability to meet its obligations under this agreement and conduct its operations at the Project.
- 7.5 Compliance with Laws.** To the best of its knowledge, the Company is in compliance with all federal, state, and local laws, regulations, and governmental requirements including, but not limited to, environmental laws and the applicable Federal and State laws, Executive Orders and regulations concerning discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability, applicable to its facility including without limitation the property, business operations, employees and transactions thereof.
- 8.0 Indemnification.** The Company agrees to defend, indemnify, and hold CCED and the Grantee harmless from and against the costs of any litigation (including reasonable attorney's fees) arising from this Agreement or the Assistance provided by CCED to the Grantee for the direct or indirect benefit of the Company. This provision shall survive the termination of this Agreement for any claim arising during the term of the Agreement.
- 9.0 Assignability.** The terms of this Agreement may not be assigned to another entity without the written permission of the Grantee and CCED.

10.0 **Notification.** The Company must notify the Grantee and CCED if there are any changes in the status of the Company that will impact or alter the Company's ability to comply with this Agreement. All notices required or otherwise provided under this Agreement shall be deemed made upon mailing by first class mail, postage prepaid, and addressed to the other party as follows:

**Notices to CCED shall be sent to:**

Ms. Tiffany Harrison  
Senior Program Manager, CCED Programs  
South Carolina Department of CCED  
1201 Main Street, Suite 1600  
Columbia, SC 29201

**Notices to Grantee shall be sent to:**

Mr. Ron Rabun  
Administrator  
Oconee County  
415 South Pine Street  
Walhalla, SC 29691-2145

**Notices to Company shall be sent to:**

Mr. Ed Santimaw  
Project Manager  
Valenite, LLC  
1424 Sandifer Blvd  
Westminster, South Carolina 29673

11.0 **Severability.** If any provision of this Agreement is or becomes illegal, invalid or unenforceable in any respect, the legality, validity, and enforceability of the other provisions of this Agreement shall not in any way be affected or impaired thereby.

12.0 **Governing Law and Jurisdiction.** This Agreement is made under and shall be construed in accordance with the laws of the State of South Carolina. By executing this Agreement, the Company also agrees to submit to the jurisdiction of the courts of the State of South Carolina.

13.0 **Freedom of Information.** The Company acknowledges and agrees that this agreement and certain other information related to the Set-Aside grant award are or may be subject to public disclosure requirements of the South Carolina Freedom of Information Act and that the Grantee and CCED are required to comply with the provisions of that Act.

14.0 **Counterparts.** This Agreement may be executed in two or more counterparts each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be fully executed & their authorized representation under seal as of the date first written above.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

GRANTEE:

Oconee County

\_\_\_\_\_  
Unit of Local Government

By:

\_\_\_\_\_  
Chief Elected Official

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

COMPANY NAME

By:

\_\_\_\_\_  
Chief Executive Officer

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

COORDINATING COUNCIL FOR  
ECONOMIC DEVELOPMENT

By:

\_\_\_\_\_  
Alan D. Young  
Executive Director

**AGENDA ITEM SUMMARY  
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE:** April 4, 2006  
**COUNCIL MEETING TIME:** 3:00 p.m.

**ITEM TITLE OR DESCRIPTION:**

**Bid 05-06, Construction of Turn Lanes at Valenite, Highway 123, Westminster, SC.**

**BACKGROUND OR HISTORY:**

As part of on-going industrial investment efforts in Oconee County, the Economic Development Commission has successfully attained a 100% State grant funding for paving of turn-in and turn-out lanes at the Valenite facility on Highway 123, Westminster, SC. Valenite has invested \$87,000,000 since 2003 and has created or is in the process of creating 94 new jobs in Oconee County.

**BID SOLICITATION HISTORY:**

On February 23, 2006, two (2) responses were received to the County formal advertised invitation to Bid for the construction of turn lanes at Valenite. The low bidder was Thrift Development Corporation of Seneca, SC (see Bid Tabulation sheet attached).

After review of the bids, Goldie & Associates (letter attached) and Marianne Dillard, Procurement Director recommend award of the low bid in the amount of \$92,713 to Thrift Development Corporation of Seneca, SC.

**SPECIAL CONSIDERATIONS OR CONCERNS:**

The County applied and received approval from the South Carolina Coordinating Council on March 23, 2006 for a 100% State Economic Development Grant for up to \$145,000 for the construction of the Valenite turn lanes at Highway 123, Westminster.

**STAFF RECOMMENDATION FOR COUNCIL ACTION:**

Staff recommends that County Council approve the low bid award to **Thrift Development Corporation of Seneca, SC in the amount of \$92,713** for construction of turn lanes near Valenite at Highway 123, Westminster, paid by a 100% grant from the State of South Carolina.

**FINANCIAL IMPACT:**

Grant funding in the amount up to \$145,000 has been approved for the construction of turning lanes by the South Carolina Department of Commerce Coordinating Council (see attached Award Letter from SC Department of Commerce).

The County will have to pay for the project costs up-front then seek State reimbursement.

**ATTACHMENTS:**

1. Bid Tabulation
2. Letter for Award Recommendation from Goldie & Associates
3. Award Letter from South Carolina Department of Commerce Coordinating Council dated March 24, 2006

**Submitted or Prepared By:**

  
Marianne A. Dillard, Procurement Director

**Approved for Submittal to Council:**

  
Ron H. Rabun, County Administrator

**Reviewed By/ Initials:**

 Grants

 OMB

 DOAS

 Economic Development Commission  
Cc: Clerk to Council





RECEIVED

FEB 27 2006

February 24, 2006

OCONEE COUNTY  
PROCUREMENT

**GOLDIE  
&  
ASSOCIATES**  
*engineering, environmental  
and laboratory services*

Ms. Marianna Dillard  
Oconee County Procurement  
435 S Pine Street  
Walhalla, SC 29691

Re: Valerite Turn Lanes  
Goldie & Associates Project 22:51

Dear Ms. Dillard,

We have reviewed the bids received on the above referenced project. The bids appear to be balanced and in order. Enclosed please find a copy of the original bids.

Thrift Development has indicated to us that they can begin construction soon after a notice of award and they have indicated that they can meet the project deadline. We have verified with the DOT that Thrift Development is licensed to do this work.

We recommend that the County proceed with selecting Thrift Development as the low bidder on the project.

If you have any questions or need any further information, please let us know.

Sincerely,

GOLDIE & ASSOCIATES



Alan Pope, P.E.  
Civil Consulting Group Coordinator

Cc: Jim Alexander, Oconee County Economic Development  
Mack Kelly, Director of Public Works  
Ed Santinaw, Valerite

Encl: As stated

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Valerite Turn Lanes  
Bid Form

No.	Item	Qty	Unit	Unit Cost	Unit Price	Quantity	Total Price
1	Modification	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
2	Sediment and erosion control measures (See use S11 for use & cover promat material, etc.)	1	LS	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
3	Demolition	1	LS	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
4	Site grading	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
5	Grassing	1.1	LS	\$400.00	\$440.00	\$440.00	\$440.00
6	Asphalt Paving	1.75	SY	\$30.00	\$52.50	\$52.50	\$52.50
7	Catch Basin Modification	1	LS	\$2,200.00	\$2,200.00	\$2,200.00	\$2,200.00
8	Storm Drain (TOP 16" diameter)	125	LF	\$37.00	\$4,625.00	\$4,625.00	\$4,625.00
9	Handwork	3	EA	\$500.00	\$1,500.00	\$1,500.00	\$1,500.00
10	Paint for fences and signs	1	LS	\$8,200.00	\$8,200.00	\$8,200.00	\$8,200.00
11	Rock Excavation	0	CY	\$0.00	\$0.00	\$0.00	\$0.00
12	Embankment (use suitable soil material and haul, place and compact suitable fill material)	0	CY	\$0.00	\$0.00	\$0.00	\$0.00
	<b>Total Items 1-12</b>						<b>\$92,753.00</b>



Mark Sanford  
Governor

**SOUTH CAROLINA**  
DEPARTMENT OF COMMERCE

Joe E. Taylor, Jr.  
Secretary

March 24, 2006

Mr. Ron Rabun  
Administrator  
Oconee County  
415 South Pine Street  
Walhalla, SC 29691-2145

**RE: Valenite, LLC - Economic Development Set-Aside Fund Grant #S1734 - Oconee County**

Dear Mr. Rabun:

Pursuant to the meeting of the Coordinating Council on March 23, 2006, I am pleased to inform you that funding in the amount of \$145,000 has been approved for the above-referenced project. These funds will be used for turn lanes on US 76/123. Please be advised that only approved budget items described in the cost estimates submitted as part of the application are eligible for reimbursement. Any costs over the funding amount will not be the responsibility of the Coordinating Council.

Please note that before grant funds can be used to reimburse approved project costs, several steps must be completed. Specifically, the following must be submitted to our office:

1. Grant Award Agreement - Enclosed for signature are two copies of the Grant Award Agreement between the SC Coordinating Council for Economic Development and Oconee County. The agreement must be signed by an official with legal authority to execute the agreement for the Grantee (Oconee County) as well as two witnesses (Council Members or the Attorney representing Oconee County). Please read this contract carefully. Once signed, please return both copies to my attention within fourteen (14) days. Once the signed agreements are received, they will be signed by our office and one original executed agreement will be sent to your attention.
2. Performance Agreement-- Enclosed for signature are three copies of the Performance Agreement between the SC Coordinating Council for Economic Development, Oconee County, and Valenite, LLC. The agreement must be signed by officials with legal authority to execute the agreement for the Grantee (Oconee County) and for the Company (Valenite, LLC), as well as two witnesses (Council Members or the Attorney representing Oconee County). Please read this contract carefully. Once signed, please return all three copies to my attention within fourteen (14) days. Once the signed agreements are received, they will be signed by our office. One original executed agreement will be sent to your attention and the other to the company.
3. Project Budget - The project cost estimates provided as part of the application will serve as the project budget. If actual costs fluctuate by more than 10% or more than \$10,000 (whichever is less) a new detailed budget must be submitted for the Council's approval before additional funds may be drawn. If specific items are not reimbursable under the terms of the agreement, we will notify you in writing.

4. Signed Contracts – Once signed, please forward all contracts pertaining to the grant project to our office. Additionally, if there are amendments to contracts related to the grant project, those must also be forwarded to our office within 14 days of execution.
5. Status Reports – The status reports are designed to provide the Council with relevant information related to your grant project. These reports should be submitted on a quarterly basis.

For your convenience, we have enclosed a grant packet which includes: a program checklist that notifies you of required documents and the dates which they are due, a customized request for payment form that must accompany all reimbursement requests, a status report form to be submitted quarterly and two copies of the signed grant award agreement. All of these forms are available electronically, and we will gladly forward them to you upon request.

The SC Coordinating Council for Economic Development appreciates the opportunity to serve the citizens of Oconee County, and we look forward to working with you to ensure the success of this project. If you have any questions, please feel free to contact us.

Sincerely,



Alan D. Young  
Executive Director  
Coordinating Council for Economic Development

Enclosures

cc: Joe B. Taylor w/o enclosures  
Tim Dangerfield w/o enclosures  
Wayne Fritz w/o enclosures  
Jim Alexander w/o enclosures